

Legislative Summary

**Highlights of Significant
Legislation Pending in 2002**



California Senate Office of Research

July 2002

Legislative Summary

**Highlights of Significant Legislation
Pending in 2002**

Project Team

**Sherry Agnos
Jeff Brown
Kim Connor
Greg deGiere
Mark Dymally
Anna Ferrera
Marlene Garcia
Jack Hailey
Peter Hansel
Rebecca LaVally
Laurel Mildred
Patty Quate
Rona Levine Sherriff
Kate Sproul
Max Vanzi
Nick Vucinich
Kip Wiley**

Senate Office of Research

**Elisabeth Kersten
Director**

Formatted by Ginny Daley

July 2002

Table of Contents

<i>Introduction</i>	<i>i</i>
Aging and Long-Term Care	1
Agriculture	5
Arts and Culture.....	7
Bonds.....	9
Child Care and Development	10
Civil Rights	11
Consumers	14
Domestic and Exotic Animals	18
Domestic Violence and Sexual Assault	19
Education.....	23
--Early Childhood through 12 th Grade.....	23
--Higher Education	35
Elections and Political Reform.....	42
Energy and Utilities	44
Environmental Quality.....	50
Family Law	52
Gambling.....	54
General Government.....	55
Health	57
--Health Care.....	57
--Mental Health	67
--Public Health	70
Housing, Homelessness and Urban Growth	74
Human Services	81
Identity Theft and Privacy	83
Information Technology and Telecommunications	87
Immigrants and Foreign-Born Persons.....	91
Insurance	93
Judiciary	95
Labor and Employment.....	96
Local Government.....	101
Natural Resources	103
Public Employment and Retirement.....	105
Public Safety.....	109
Revenue and Taxes	114
Tobacco Products	118
Transportation.....	120
Veterans	123
Water	125
<i>Index</i>	<i>127</i>

Introduction

This document highlights significant measures in more than 30 issue areas that generally have met their legislative deadlines and, in some cases, have reached the governor's desk. The Legislature will adjourn for the year on August 31 after acting on thousands of measures.

While many active bills are not listed here, these measures do offer an overview of the issues the Legislature is addressing in 2002. The Senate Office of Research will publish a final summary of the *Legislative Accomplishments of 2002* after the September 30 deadline has passed for Governor Gray Davis to act on all bills sent to him.

The texts, status and committee staff analyses of the measures summarized here may be found at *www.leginfo.ca.gov*.

Information about the budget bill, **AB 1777 (Oropeza)**, and the accompanying trailer bills that implement the 2002-03 state budget will be available on the Web site of the Legislative Analyst's Office at *www.lao.ca.gov* or by calling the Legislative Analyst's Office at 916-445-4656.

Aging and Long-Term Care

Priorities reflected in bills introduced in 2002 expand elder-abuse protections, create a comprehensive strategic action plan focusing on the cultural, policy and programmatic implications of California's aging demographics, and require the California State University to provide academic courses and training in the field of gerontology for professional service-delivery personnel.

With regard to nursing homes, legislation would require specific procedures to be followed whenever residents must be transferred to another facility, and expand the types of people who need background checks in order to work in nursing homes.

Providing affordable prescription drug coverage was also a high priority. Legislation would require the State Teachers Retirement System to establish a high-deductible Catastrophic Prescription Drug Insurance Program, to make permanent the existing law that requires pharmacies to charge Medicare patients no more than the Medi-Cal reimbursement rate for prescription drugs, and to create a Technical Advisory Committee for Prescription Drug Assistance to educate the public regarding the best therapeutic and cost-effective utilization of pharmaceuticals.

2002-03 Budget

Due to the state's fiscal constraints, the 2002-03 budget contains funding for programs with expanding caseloads, such as In-Home Supportive Services (IHSS) and Social Security Income/State Supplementary Program (SSI/SSP), but little funding for new initiatives. Additionally, the budget includes some cuts in existing programs designed to serve the elderly and persons with disabilities. In particular, the budget:

- Increases funding for the Department of Health Services (DHS) by \$5.3 million to add the necessary staff to meet the requirements of AB 1075. This legislation revised staffing standards and the methodology for determining Medi-Cal reimbursement levels for skilled nursing facilities.
- Increases funding by \$21.2 million for long-term care facilities that have binding written commitments with their employees to increase salaries, wages or benefits.
- Increases the SSI/SSP program level by \$38 million due to caseload growth in these programs for the elderly, blind and disabled. The budget provides an increase of \$161.6 million due to budgeting a cost of living adjustment (COLA); however, it delayed the COLA from January 1 to June 1, 2003.

- Provides an increase of \$45 million for caseload growth and increased workers' compensation costs within the IHSS program. Provides over \$30 million in state funding for wage increases for IHSS workers for 2002.
- Added the savings from the elimination of the Special Circumstances Fund to restore cuts planned in the Adult Protective Services, resulting in a net reduction of \$1.6 million for APS.

Elder Abuse

AB 2140 (Simitian and Bates) – Increases the maximum period of imprisonment in a county jail from six months to one year for a battery committed against an elder or dependent adult. Increases penalties for willfully causing or permitting any elder or dependent adult to suffer unjustifiable physical pain or mental suffering from six months in county jail and/or \$1,000 to one year in county jail and/or a \$2,000 fine.

AB 2735 (Chan) – Allows the office of the district attorney, public guardian or a probate court to receive confidential information relevant to the investigation of elder or dependent adult abuse. Excludes allegations of abuse to elder and dependent adults occurring in prisons and jails from the mandated responsibilities of county Adult Protective Services programs.

AB 2813 (Salinas) – Requires criminal-record clearances for staff of Adult Day Health Care Centers (ADHCCs). Allows DHS to deny a license to operate an ADHCC based on the applicant's past poor performance in other Medi-Cal programs.

Health Planning/Integration

SB 953 (Vasconcellos) – Requires various plans for programs for older Californians to be developed and submitted to the Legislature by the state Health and Human Services Agency and the state Department of Education. Creates a Statewide Age Diversity and Elder Involvement Campaign to generate a cultural shift in attitudes toward aging.

AB 3054 (Committee on Aging and Long-Term Care) – Requires DHS to develop at least one alternative model to the Long-Term Care Integration Pilot Project authorized by the Welfare and Institutions Code Section 14139.05.

Long-Term Care Insurance

AB 1908 (Cohn) – Eliminates the statutory provision that requires employees to pay the full cost of premiums for CalPERS long-term care insurance. Gives public employers greater flexibility in designing benefit packages, and assists those for whom the cost of long-term care insurance may be prohibitive. Allows CalPERS long-term care enrollees to benefit from pending federal legislation (H.R. 831, Johnson), which would allow an employer's contribution to a "cafeteria" or flexible benefits plan to pay for employee long-term care premiums.

Health Professionals

AB 2202 (Alquist) – Requires the California State University (CSU) to provide academic courses and training in the field of gerontology for professional personnel who provide services to the senior population. Requires CSU by

January 1, 2004 to submit a progress report to the Legislature on the status of the establishment and implementation of a definable curriculum in gerontology.

Housing

SB 382 (Haynes) – Makes available to a real estate broker, or individual homeowner in a senior housing development, a complete defense to a claim of liability for monetary damages for discriminatory acts on the basis of age or familial status with regard to senior housing.

SB 533 (Margett) – Establishes the Elderly and Disabled Persons' Revolving Home Improvement Loan Program within the Department of Housing and Community Development to provide grants to local public agencies and nonprofit corporations for providing home improvement loans to elderly and disabled persons.

AB 628 (Oropeza) – Appropriates \$500,000 from the General Fund to the Department of Housing and Community Services to create a demonstration project in three counties to provide counseling and referral assistance to Section 8 qualified seniors to assist them in locating safe, affordable housing.

Medi-Cal/Medicare

SB 1598 (Soto) – Restricts the state's authority to recover Medi-Cal costs from dependents, heirs, and surviving family of a deceased Medi-Cal recipient. Requires the state's claim to be filed within one year of the death of the recipient, and expands the definition of hardship cases.

SB 1917 (Chesbro) – Requires the governor to request that the secretary of the U.S. Department of Health and Human Services group the state's counties into four regions so the Medicare+Choice payment rates for every county in the region are the same.

Nursing Homes

SB 1804 (Escutia) – Expands the types of people who need background checks to work in skilled nursing and immediate care facilities.

SB 1824 (Ortiz) – Requires a skilled nursing facility to obtain a medical, social and physical-functioning assessment of each patient prior to giving the patient notice of a transfer. These assessments must include recommendations for preventing adverse health consequences in the event of transfer.

AB 2124 (Aanestad) – Authorizes DHS to retroactively suspend the canceled licenses of specified skilled nursing facilities. Permits DHS, upon the request of a facility, to retroactively place the facility's license in suspense for the purpose of finding the facility to be continuously licensed and in compliance with specified regulations.

AB 2329 (Florez) – Permits the admissibility of "plans of correction" issued against long-term care facilities by health officials under certain conditions.

Prescription Drugs

SB 461 (Torlakson) – Requires the State Teachers Retirement System to establish a high-deductible catastrophic prescription drug insurance program if certain conditions are met.

SB 1278 (Speier) – Repeals a sunset provision in a law that requires pharmacies to charge Medicare patients no more than the Medi-Cal reimbursement rate for prescription drugs plus a small administrative fee. Also requires DHS to conduct an outreach program to inform Medicare beneficiaries of their right to participate in this program.

SB 1727 (Soto) – Creates a Technical Advisory Committee for Prescription Drug Assistance in the California Health and Human Services Agency, and establishes the Patient Prescription Drug Assistance Program in the California Department of Aging (CDA). Requires the new program in CDA to provide a Web site and toll-free telephone hot line for linking low-income Californians who lack prescription drug coverage with drug companies that offer drug assistance programs. Requires CDA to seek private funds for this program and only authorizes its implementation to the extent that such funding is achieved.

Residential Care Facilities

SB 1898 (Soto) – Prohibits a residential care facility for the elderly from collecting any pre-admission fee from a recipient of SSI/SSP. Requires the facilities to disclose certain rate information prior to the signing of an application agreement, and provide prior written notice to the residents before any rate changes can be made.

AB 1961 (Canciamilla) and AB 1989 (Liu) – Allow a residential care facility for the elderly to obtain a waiver from the Department of Social Services to permit a terminally ill person to become a resident if that person is already receiving hospice care.

Taxation

SB 1875 (Karnette) – Allows the state Franchise Tax Board to prescribe the type of information needed to make a valid claim under the Senior Citizens Property Tax Assistance program.

ACA 16 (Nation) – Allows a grandparent to transfer his or her home to a grandchild without triggering a property tax reassessment. Removes the limitation in current law requiring all parents of a grandchild to be deceased in order for the grandparent-grandchild property transfer to avoid triggering a reassessment. Requires voter approval.

Agriculture

Please also see "Water," page 125.

Labor

SB 984 (Costa) - Establishes the Rangeland, Grazing and Grassland Conservation Act to reduce the conversion of range land, grazing land and grass land to non-agriculture development by protecting the long-term sustainability of livestock grazing.

SB 1466 (Alarcón) – Provides that any person or entity violates state law when entering into a contract for labor or services for construction, farm labor, garment manufacturing, janitorial services, or security guard services if the person or entity knows or should have known the contract does not provide sufficient funds to comply with various local, state, and federal labor laws.

SB 1736 (Burton) – Provides for an alternative means for arbitration and collective bargaining disputes for agricultural employees. Provides for mediation and conciliation services if the parties do not reach agreement within 90 days and applies the existing arbitration procedures for backstretch employees to agricultural employees.

AB 325 (Reyes) – Prohibits a farm worker from being required to cash a paycheck at a location designated by a farm-labor contractor, grower, or agricultural employer, or being charged a fee for doing so. Also assigns misdemeanor penalties for wrongful conduct and increases penalties for charging employees transportation costs to and from the job site.

AB 567 (Koretz) – Codifies the standard adopted by the state's Occupational Safety and Health Standards Board prohibiting the use of short-handled tools for weeding, thinning and hot-capping in a stooped, kneeling or squatting position.

Pest Management

AB 1242 (Wiggins) – Allocates \$7 million in federal funds to the state Department of Food and Agriculture to compensate grape growers for vine losses resulting from Pierce's disease spread by the glassy-winged sharpshooter.

Renewable Energy

SB 625 (Costa) – Requires the California Energy Commission to allocate \$10 million to maximize cost-effective development of manure methane power-production projects on California dairies.

SBX2 87 (Costa) – Establishes the Ethanol Production Incentive Program with the goal of expanding in-state ethanol production to open new markets for agricultural products and promote renewable fuels.

Taxes

AB 727 (Correa) – Grants a 10 percent income-tax credit for the cost of agricultural products donated to a food bank in California.

Wildlife

SB 550 (Costa) – Extends the December 31, 2002, sunset of a law that allows for accidental killing of candidate, threatened, or endangered species resulting from inadvertent or ordinary negligent acts on a farm or ranch in the course or routine or ongoing agricultural activities.

SB 1645 (Sher) – Eliminates the exemption that farmers and ranchers currently have to kill mammals that are injurious to growing crops and other property. Also requires farmers and ranchers to obtain licenses for trapping. Non-game mammals that require a trapping license include gophers, moles, coyotes, skunks and others.

General Agriculture

SB 2043 (Bowen) – Requires the Department of Health Services study the extent to which the use of antimicrobial drugs in agricultural animals may lead to the development of antimicrobial-resistant disease in humans.

AB 1742 (Maldonado) – Exempts a truck-and-two-trailers combination used for transporting agricultural products from vehicle length restrictions.

AB 2051 (Dickerson) – Allows specified vehicle combinations that transport agricultural biomass to have a total combined length of 75 feet and a front trailer that extends up to 32 feet.

AB 2256 (Dickerson) – Extends the scope of a lien to include the proceeds of any sale or transfer of a product by the processor.

AB 2370 (Thomson) – Prohibits the expansion of a sphere of influence or annexation of Williamson Act lands subject to conservation easements to cities or urban special districts.

AB 2751 (Pavley) – Requires Caltrans, upon receiving funds in the 2002 Annual Budget Act, to partner with the Air Resources Board, the Integrated Waste Management Board, and the Department of Food and Agriculture, to conduct a demonstration project to evaluate the feasibility of using rice straw for sound-wall construction for highway applications.

AB 2823 (Strom-Martin) – Amends state organic regulations to harmonize with the federal regulations that will be fully implemented this fall. Includes pet food and cosmetics, opening up new potential markets for organic farmers.

Arts and Culture

Native Americans

SB 1816 (Chesbro) – Increases criminal and civil penalties for any person to willingly and knowingly excavate, remove, destroy, injure or deface a Native American historic, cultural, or sacred site, including any historic or prehistoric ruins, burial ground, or archeological site, inscription, rock art, or feature on public or private land.

SB 1828 (Burton) – Requires a mandatory finding of significance if a proposed project will adversely affect a Native American sacred site and prohibits approval by a public agency of the proposed project unless the tribe accepts mitigation measures by the lead agency to offset any adverse impacts.

SB 2063 (Brulte) – Creates a task force within the Department of Parks and Recreation for the purpose of assisting the department in developing the California Indian Cultural Center and Museum.

Cultural History

SB 1088 (Alarcón) – Establishes an Office of California Museums in the state Department of Parks and Recreation.

SB 1247 (Burton) – Establishes the California Trust for Cultural and Historic Preservation Commission and authorizes it to use funds from the sale of general obligation bonds pursuant to the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 – approved by voters in March as Proposition 140 – to make grants, loans, or purchases to preserve California's cultural and historic resources.

AB 716 (Firebaugh) – Establishes the California Historical and Cultural Resources Conservancy in the Resources Agency, creating a board of appointed and ex officio members, and an advisory committee to allocate the funds for historical and cultural resources preservation in Proposition 40. The proposition authorized \$2.6 billion in state general obligation bonds, including \$267.5 million for historical and cultural resources.

AB 2246 (Kelley) – States the intent of the Legislature that capital projects related to the curation and exhibition of archaeological and paleontological specimens be eligible for funding under Proposition 40.

Arts and Music

SB 1398 (Murray) – Deletes the January 1, 2003, sunset for the Institute for the Preservation of Jazz, located at California State University, Long Beach.

AB 2807 (Firebaugh) – Extends to January 1, 2008, the date of repeal of a law that establishes the Local Arts Education Partnership Program, which coordinates community arts resources with the aim of strengthening arts instruction in public schools.

AB 2039 (Steinberg) – Authorizes inclusion in the budgets for certain state capital outlay projects and allowable cost for works of art.

Entertainment Industry

SB 301 (Scott) – Stipulates that the Legislature is committed to enhancing the economic climate in California by keeping film industry jobs in the state.

AB 1904 (Reyes) – Requires the University of California to prepare a report by January 1, 2004, on the effects of the entertainment industry on communities of color. The bill directs UC to examine whether minorities have access to directing, producing, managing and acting jobs within television and motion pictures.

Bonds

AB 16, Chapter 33/Statutes of 2002, places on the November 5, 2002, general election ballot a \$13.05 billion bond measure to finance construction and renovation of buildings and facilities for public schools, colleges and universities to meet the demands of a growing population. The bill, authored by **Assemblymember Robert Hertzberg**, also puts before voters a second \$12.3 billion bond issue for education facilities on the primary election ballot in 2004.

Titled the Kindergarten-University Public Education Facilities Bond Acts of 2002 and 2004, the bill's general obligation bonds, if endorsed by California voters, will provide a total of \$21.4 billion for K-12 schools and \$4 billion for facilities on public higher-education campuses.

Senate President pro Tem John Burton's SB 1227, Chapter 26/Statutes of 2002, puts on the November 2002 ballot the Housing Bond and Energy Shelter Trust Fund Act of 2002. If approved by voters, it will authorize \$2.1 billion in general obligation bonds for construction, purchase or renovation of housing for low-income families, students, farm-workers, teachers and others.

The lion's share of the funds, \$910 million, would be used for multi-family housing with a priority on in-fill projects built close to rail transit, job centers and other urban amenities. Another \$200 million would be earmarked for farm-worker housing and \$195 million for emergency housing and assistance. Nearly \$300 million would be used for down-payment assistance for first-time homebuyers, including teachers who work at low-performing schools.

SB 574 (Polanco) – Proposes the Juvenile Facility Capital Expenditure and Bond Act of 2002 to finance the construction of county juvenile facilities and county temporary shelter facilities.

SB 717 (Speier) – Proposes a \$600 million general obligation bond to fund residential seismic retrofits, grants to local government for retrofitting essential facilities, and seismic retrofit research.

SB 928 (Dunn) – Proposes the Hospital Seismic Safety Bond Act of 2002. **AB 1156 (Aroner)** establishes a framework for the act.

SB 1856 (Costa) – Proposes a \$9 billion bond act for planning and constructing a high-speed ("bullet") passenger train system.

Child Care and Development

SB 1596 (Scott) – Defines and clarifies support services to families that can be provided by “alternative payment” programs in the state-subsidized child care system. Rather than directly administer a child care center or a network of licensed family child care homes, “alternative payment” programs operate a “voucher” program, paying the provider chosen by eligible families. These programs also keep a portion of their contracts to use to provide support services to families. This bill provides additional definition of those services.

AB 1818 (Committee on Education) – Increases the likelihood that children with disabilities or at high risk of disability will receive child care and development services in state- and federally subsidized child care and state preschool programs. The bill removes several barriers to the enrollment of children with exceptional needs in state-funded programs and provides for including services to children with disabilities in the measurement of program quality.

AB 2311 (Chu) – Streamlines provisions of the Education Code that deal with child care and development.

AB 2811 (Migden) – Eliminates a sunset provision and extends indefinitely a program that provides a grant of up to \$2,000 per academic year for higher education activities to child care center teachers and administrators.

AB 2874 (Florez) – Limits to six children the number of related children who may be cared for by a caregiver without that caregiver needing to apply for a family child care license from the Department of Social Services. (Under current law, when the children are related, there is no limit to the number of children who may be cared for by a relative – and no license is required.)

AB 2954 (Simitian) – Adds an element to county and city general plans: the land-use portion of general plans amended after January 1, 2003, would have to address the distribution of child care centers.

Civil Rights

There are a number of high-profile civil rights issues pending in the 2002 legislative session. These include how to compel public entities holding public meetings to do a better job of complying with federal and state disability-access laws, how to encourage the state to do a better job of providing bilingual written materials and interpreters and whether the law should bar pre-dispute arbitration agreements between an employer and employee who waive rights under the Fair Employment and Housing Act.

Disabilities

AB 925 (Aroner) – Puts in place a number of strategies to increase the number of persons with disabilities employed by the state and the counties.

AB 1800 (Kehoe) – Authorizes, for three years, a disabled person or a disabled veteran who displays a disabled parking placard or license plate to park in restricted zones designated for street sweeping without being issued a parking citation.

AB 3035 (Committee on Judiciary) – Clarifies current disability discrimination laws as they apply to the state's open-meetings laws. Inserts into the open-meetings laws a reference to the existing obligations under federal law regarding disability discrimination.

Domestic Partners

See the "Family Law" section, page 52, for other measures related to domestic partners.

AB 1080 (Kehoe) – Prohibits a state agency from entering into a contract for the acquisition of goods or services with a vendor or contractor who does not offer benefits to registered domestic partner employees equal to benefits offered to married employees.

Education

AB 2295 (Oropeza) – Requires the state Department of Education and the California Postsecondary Education Commission to prepare a report on interscholastic athletics in this state, if sufficient money is appropriated for this purpose through the budget or another bill.

Housing

AB 1926 (Horton) – Allows a property owner to have stricken any provision in a deed that is deemed by the county recorder to contain unlawful restrictions based on race, color, religion, sex, familial status, marital status, disability, national origin or ancestry.

Insurance

SB 834 (Escutia) – Addresses the problem of insurer discrimination and service to under-served communities by requiring insurers who sell homeowner's insurance, commercial insurance, or fire policies to annually submit to the state insurance commissioner a record of loss experience, per exposure, for each geographic area. The bill also establishes a civil penalty of up to \$15,000 for failing to comply with a data call, or up to \$30,000 per month, and \$120,000 in the aggregate if the failure is willful.

Remedies

SB 1196 (Romero) – Expressly provides that the state of California consents to be sued in state or federal court for alleged violations of the following federal laws and associated regulations: the Fair Labor Standards Act; Title VII of the Civil Rights Act of 1964; the Age Discrimination in Employment Act; the Family and Medical Leave Act of 1993; and the Americans with Disabilities Act of 1990.

SB 1945 (Kuehl) – Redefines the time for filing a complaint with the state Department of Fair Employment and Housing for an alleged violation of California's hate crimes prohibition (the Ralph Civil Rights Act), for a period of one more year from the date the aggrieved person became aware of the identity of a person liable for an alleged violation and in no case more than three years.

State Services for Immigrants

Under the Dymally-Alatorre Bilingual Services Act, state agencies are required to distribute non-English language written materials and employ bilingual persons through each local office that serves a substantial number of non-English-speaking individuals. **SB 987 (Escutia)** requires that state departments proactively implement the act, including identifying deficiencies and developing implementation plans to comply. The bill authorizes the State Personnel Board to monitor, investigate and enforce the act.

Workplace Issues

SB 1538 (Burton) – Makes it an unlawful employment practice to require an employee to waive any rights or procedures under the Fair Employment and Housing Act (FEHA), and makes unenforceable any pre-dispute arbitration agreement between an employer and employee that waives such rights or procedures. Prohibits an employer from taking any adverse employment action against a person for refusing to waive rights or procedures under the FEHA.

SB 2028 (Vasconcellos) – Creates the Equal Employment Opportunity Fund within the state treasury to be administered by the Board of Governors of the California Community Colleges for ensuring equal employment opportunity in hiring and promotion within the community colleges.

AB 1599 (Negrete-McLeod) – Broadens a legal prohibition on employment discrimination based upon age by making all discrimination based upon age of individuals 40 and over in employment unlawful, except where expressly provided by law. Proposed in response to *Esberg v. Union Oil Company of California*. In *Esberg*, the California Supreme Court ruled in favor of Union Oil by pointing out that existing California law protected individuals over 40 only from hiring and firing decisions and not from discriminatory employment

conditions such as paying for graduate education for younger workers but not older workers.

AB 1649 (Goldberg) – Clarifies for purposes of the Fair Employment and Housing Act that discrimination on the basis of “sex” includes discrimination based on actual or perceived gender.

AB 2892 (Horton) – Permits state employees to pursue both civil service rights and discrimination complaints in proceedings before appropriate administrative agencies without risk that findings by the civil service agency will prevent or raise undue procedural obstacles to the prosecution of independent discrimination claims.

Miscellaneous

SB 1411 (Speier) – Prohibits a health care service plan and a health insurer from imposing a co-payment or deductible for hospital maternity services that exceed the most common amount of the co-payment or deductible imposed for services provided for other covered medical conditions.

AB 2268 (Horton) – Makes various changes to state civil service law regarding dismissed employees, disciplinary processes, and discrimination cases, including requiring state agencies to track and report to the Legislature the costs that are incurred in connection with litigation of discrimination cases.

AB 2651 (Chu) – Makes explicit the current rights of children and providers in the foster care system relating to sexual orientation and religion.

Consumers

Please also see “Consumers,” page 46, in the “Energy and Utilities” section and “Identity Theft and Privacy,” page 83.

Fraudulent uses of so called “instant loan” checks – unsolicited checks that arrive in the mail for consumers to cash as loans – are targeted by **SB 1926**, authored by **Senator Jim Costa**. The bill is aimed at protecting consumers from having their loan checks found and used by someone else. Since consumers don’t ask for these checks, and thus don’t know when they are sent, this type of fraud usually doesn’t surface until a consumer is billed for a loan that someone else is enjoying.

The measure also is designed to ensure that consumers who do cash the checks understand that they are going to be encumbered with loans and interest charges.

The bill would forbid lenders to produce, advertise or distribute in California any “instant loan” check unless the document clearly bears the following phrase in 12-point type: “This is a loan or an extension of credit. You will pay charges.” Printed material accompanying the check would have to advise the consumer to void and destroy the live check if it is not going to be negotiated.

These loan solicitations would have to be mailed in envelopes with no indication that a negotiable instrument was contained in the mailing, and envelopes would be marked with “do not forward” instructions.

Another measure to protect consumers in financial transactions, **SB 1050 (Torlakson)**, would require the Department of Consumer Affairs to report to the Legislature on a system to ensure compliance with a state law that prohibits businesses that accept credit cards from printing more than the last five digits of card’s account number on receipts.

Cemeteries and Funerals

SB 17 (Figueroa) – Requires the Cemetery and Funeral Bureau to inspect the books, records, and premises of any cemetery for which a certificate of authority from the bureau is required. Requires the bureau to have access to all books, records, buildings, mausoleums and storage areas during specified times. The bureau would have to conduct at least one annual unannounced inspection of a cemetery for which a certificate of authority is required. Also prohibits a person from serving as a cemetery or crematory manager without a license from the bureau.

SB 1952 (Figueroa) – Requires a cemetery’s management to provide a copy of the state-mandated consumer guide for funeral and cemetery purchases to a consumer prior to drafting a contract for cemetery services. Requires the Cemetery and Funeral Bureau to study third-party casket retailers and report to

the Department of Consumer Affairs and the Joint Legislative Sunset Review Committee by September 1, 2004.

Credit Reports

SB 1239 (Figueroa) – Requires a consumer credit-reporting agency to provide one free copy of a consumer's file per year upon the request of the consumer.

SB 1730 (Bowen) – Requires anyone who uses a consumer credit report to establish a system to receive security alerts transmitted by consumer reporting agencies and to establish reasonable procedures to acknowledge the security alert placed by a consumer.

Health Care

SB 1461 (Speier) – Creates an office in the Department of Managed Health Care (DMHC) to regulate consumer discount health care programs. Requires DMHC to staff a toll-free telephone number to provide information to consumers and collect complaints about these programs.

SB 1913 (Speier) – Requires the DMHC and the Department of Insurance to maintain a joint working group to ensure clarity for health care consumers about who enforces their patients' rights and to ensure that each department's regulations are as consistent as possible with each other.

SB 1950 (Figueroa) – Requires the Medical Board of California to publicly disclose physicians' misdemeanor convictions and malpractice settlements of \$30,000 or more. These would be accompanied by disclaimers explaining the reasons that a physician might settle a claim without being at fault, and the average number of settlements and settlement amounts in a physician's specialty.

Home Inspectors and Homebuyers

SB 1332 (Figueroa) – Prohibits a person from holding himself or herself out as a "certified home inspector" without fulfilling certain requirements. Adds items to the list of unfair business practices for a home inspector. Defines a home inspection professional association and specifies its duties in certifying home inspectors. Requires a home inspector to make disclosures in writing as to his or her qualifications and whether he or she carries liability insurance.

AB 2776 (Simitian) – Requires that homebuyers be provided with additional notice if the house they intend to purchase is located near an airport and may be subject to noises, vibrations or odors.

Contractors

SB 1919 (Figueroa) – Deletes a provision that the examination for a state contractor's license be "open book" regarding business and contracting skills and laws related to home-improvement contracting.

Refund and Return Policies

SB 1872 (Bowen) – Requires a vendor that offers a policy allowing the return of goods or cancellation of services to provide the buyer a refund or otherwise

arrange to credit the buyer's account within five business days. Requires the vendor to pay a penalty if the refund is not sent to the buyer or if the credit is not made as required. Authorizes a buyer who does not receive a refund or credit to file an action in small claims court.

AB 2473 (Simitian) – Requires businesses that have declared bankruptcy to honor gift certificates issued prior to the bankruptcy filing.

Solicitations and Renewal Notices

SB 1240 (Figueroa) – Makes it unlawful for a non-governmental entity to use a governmental seal or insignia that could be construed as representing a government connection in solicitations over the Internet.

SB 1258 (Dunn) – Deletes the authority of the attorney general to charge a fee of \$1 to put the names of requesting consumers on a list of those who don't want telephone-solicitation calls.

SB 1358 (Bowen) – Bans unrequested advertising faxes by repealing California's opt-out junk fax law, thus allowing a federal ban to take effect.

SB 1560 (Figueroa) – Provides that it is unlawful for a person to obtain a "do not call" list for the purpose of selling or leasing the list to a person other than a telephone solicitor.

AB 1753 (Migden) – Requires a magazine distributors to clearly place the subscription expiration date on all renewal notices mailed to its subscribers.

AB 2820 (Cardenas) – Expands a law that sets up the state telemarketer "do not call" list by allowing Californians to place their fax numbers on the list.

AB 2578 (Corbett) – Voids a contract for the purchase of a personal or household product or service that is made in response to a solicitation by mail, including electronic mail, if a consumer has not expressly provided information sufficient for payment at the time of the purchase.

State Consumer Boards

SB 1244 (Figueroa) – Requires the governor to fill any vacancy on any board within the state Department of Consumer Affairs within 30 days. If the governor fails to do so, the Senate Rules Committee could fill the vacancy.

SB 2059 (Figueroa) – Requires every licensing board within the Department of Consumer Affairs to establish a policy by January 1, 2004, for the disclosure of information about its licensees to the public. This includes the qualifications, competency, functions, or duties of its licensees, unless the disclosure would violate a licensee's right to privacy under the California Constitution or law.

AB 269 (Correa) – Incorporates this statement into the enabling statute for each board and bureau at the Department of Consumer Affairs: "Protection of the public shall be the highest priority for the (name of board or bureau) in exercising licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount."

Warranties

SB 1765 (Bowen) – Stipulates that if a manufacturer, distributor, or retailer provides a warranty or product registration card or form to be completed and returned by the buyer, the card or form is required to inform the buyer that:

- Failure to return the card or form does not diminish his or her warranty rights during the warranty period, and
- The buyer may authorize or prohibit the addressee from using the personal identifying information for specified purposes.

Other Measures

SB 500 (Torlaksen) – Requires specified retail, cable television and utility companies to actively provide consumers with a mutually agreeable four-hour time window for service, and outlines procedures for appropriate notification if the service appointment is delayed.

SB 1527 (Burton) – Makes it unprofessional conduct for an accountancy partnership or corporation licensed in the state to provide non-audit services to audit clients.

SB 1726 (Vasconcellos) – Imposes requirements on the construction of pools and spas with the aim of preventing injuries or death from entrapment in drains. Requires that a new swimming pool or spa have at least two circulation drains per pump and that small suction outlets be covered with anti-entrapment grates.

SB 1948 (Figueroa) – Requires warning labels on dietary supplements to be clear and conspicuous. Makes a violation an infraction punishable by fines.

SBX2 68 (Battin) – Requires the Public Utilities Commission to consider, when establishing priorities in rotating blackouts, the potential effects of extreme temperatures on the health and safety of residents. **Signed – Chapter 2/ Statutes of 2002.**

AB 714 (Firebaugh and Calderon) – Requires that offices that transmit money abroad charge a uniform fee and exchange rate throughout California and post notices that disclose those standard costs.

AB 875 (Horton) – Creates a California Auctioneer Commission with authority to deny, suspend, or revoke the licenses of auctioneers who violate its regulations.

AB 2474 (Simitian) – Requires engine coolant or antifreeze containing ethylene glycol to include a chemical additive with a bitter taste to help prevent poisonings.

AB 2504 (Jackson) – Regulates the solicitation of public judges and their employment as private judges after leaving office. Delays public judges from acting as private judges in consumer arbitration cases for one-year.

AB 2656 (Corbett) – Requires that private judging companies collect and make available to the public data regarding the outcome of mandatory consumer arbitrations. Such arbitrations, in contrast to the proceedings of public courts, typically are secret.

Domestic and Exotic Animals

Please also see "Fish and Wildlife," page 103, in the "Natural Resources" section.

Pets

SB 712 (Speier) – Requires the state Department of Parks and Recreation to study whether or not dogs should be allowed to run off their leashes in state recreation areas.

SB 1357 (Vincent) – Requires businesses that sell pet animals to provide written recommendations regarding the appropriate care, housing, equipment, cleaning, environment, and feeding of the animals.

SB 1373 (O'Connell) – Prohibits a pet dealer or breeder from selling a dog or cat that is less than one year old unless a registration fee for the sale has been paid to a local animal-control agency, and requires the dealer or breeder to ensure that the dog or cat has been fitted with microchip identification. Authorizes local agencies to implement these provisions by local ordinances prior to January 1, 2004, and stipulates that local ordinances that impose more restrictive requirements would prevail over these provisions.

AB 373 (Leach) – Authorizes an income-tax deduction for the cost of veterinary services for taxpayers who adopt animals from animal shelters or nonprofit animal-welfare organizations.

Circuses and Rodeos

SB 1210 (Romero) – Requires traveling circuses to provide information to local animal-control authorities before they arrive in a city, including a plan to recapture animals that escape, whether any animals have histories of causing injuries to humans, and the names of licensed handlers and keepers traveling with the circus.

SB 1306 (Figueroa) – Makes it a misdemeanor to intentionally trip, drag, or fell any bovine animal by the tail for entertainment or sport.

SB 1851 (Perata) – Requires rodeo management to have a veterinarian at all performances, except for junior rodeos or those sponsored by schools. Rodeo managers would have to provide animal-control agencies with specified information at least 14 days prior to the rodeo, including the name of the veterinarian who will be present.

Animal Blood Donors

SB 1345 (Kuehl) – Requires the state Department of Food and Agriculture to establish regulations regarding the housing, care and use of animal blood donors.

Domestic Violence and Sexual Assault

Much has been accomplished legislatively and through community efforts to “break the silence on domestic violence.” More women are seeking help, more arrests are being made, and more batterers are in prison or in mandatory group-intervention programs. The legislation under consideration in 2002 attests to the continuing magnitude of this abuse by calling for ongoing attention and effective responses.

Batterer Intervention Programs

Existing law requires individuals convicted of battering and placed on probation to undergo two hours of counseling each week for one year.

AB 217 (Pavley) – Requires defendants who are ordered to complete a batterer’s intervention program to attend consecutive weekly sessions and to complete the program within 18 months unless the court finds good cause to modify these requirements. **Signed – Chapter 2/Statutes of 2002.**

Domestic Violence and Child Maltreatment

Domestic violence and child maltreatment often occur in the same family. Treating the violence within these families is an evolving area for reform and research. In the past, domestic violence and child abuse were treated as separate phenomena and the public systems in place to respond to this abuse were separate. Often Child Protective Services would remove the children from the home where there was domestic violence with the claim the victim failed to protect the children. Many communities today are creating new responses to stop family violence, including a collaborative model where domestic-violence organizations, child-welfare agencies, the courts, police, probation and parole agencies, schools, medical facilities are all working together to prevent further harm.

SB 1505 (Kuehl) – Requires that Child Protective Services workers receive training on dating violence to help them identify when a teen is being abused in a dating relationship.

SB 1745 (Polanco) – Requires Child Protective Service agencies, law enforcement, prosecutors, child abuse and domestic violence experts, and relevant community-based organizations, in collaboration with one another, develop protocols as to how they will cooperate in their responses to incidents of domestic violence in homes where children reside.

Civil Remedies

AB 1928 (Jackson) – Allows a victim of gender-motivated violence (including domestic violence or sexual assault that is gender-motivated) to bring a civil action for compensatory and punitive damages against the attacker(s), extends the statute of limitations to 10 years to file a civil suit, and allows for payment of attorney's fees.

AB 1933 (Reyes) – Creates a statutory tort for injuries resulting from domestic violence. Provides that a person found liable under its provisions would be subject to general, special, and punitive damages, and that the court would have the discretion to award other relief to a prevailing plaintiff, including an injunction, costs, and reasonable attorney's fees.

Courts

AB 2652 (Chu) – Creates the California Domestic Violence Court Task Force within the Judicial Council. The task force would develop a set of model guidelines for establishing and operating domestic violence courts throughout the state.

Definition of Domestic Violence

AB 2826 (Daucher) – Expands the definition of “domestic violence” to include minors who have not been emancipated. Requires specified law enforcement responses to elderly parent abuse.

Firearms

Existing law bans a person convicted of spousal abuse, stalking or violating a domestic violence restraining order from owning or possessing a firearm for 10 years. Existing law also prohibits an individual subject to a domestic violence restraining order from owning, possessing or purchasing a firearm for the duration of the protective order. Law enforcement is required to remove any firearms at the scene of a domestic violence incident, or any firearms found after a consensual search.

AB 2695 (Oropeza) – Instructs the attorney general to develop a protocol designed to facilitate the enforcement of domestic-violence restrictions on firearms.

Funding for Victims' Services

One key source of funding for services for victims of domestic violence and child maltreatment is the California Victim Compensation and Government Claims Board. This board collects restitution funds from crime perpetrators and gives money to victims and “derivative victims” (usually family members including children) for uses such as housing relocation or security expenses, and mental-health counseling.

SB 1423 (Chesbro) – Streamlines the Government Code sections that relate to compensation for victims of crime. Repeals the sunset date of January 1, 2004, for domestic violence victims and their children receiving compensation for mental-health counseling, thereby allowing such compensation indefinitely.

SB 1735 (Karnette) – Makes various changes in the Victims of Crime program to better serve victims of domestic violence. For instance, compensation would be allowed even though a police report was not filed, if there is other evidence to prove a domestic-violence crime was committed.

SB 1867 (Figueroa) – Prevents victims of sexual assault and domestic violence from being denied assistance under the Victims of Crime program on grounds of participation or involvement in the crime, or on grounds of failing to cooperate with law enforcement if a victim of domestic violence resumes living with the perpetrator after the crime.

AB 2462 (Bates) – Provides that a child who resides in a home where a crime or crimes of domestic violence have occurred may be presumed to have sustained physical injury, regardless of whether the child has witnessed the crime, for purposes of reimbursement from the Victims of Crime program.

AB 2729 (Wesson) – Expands the Victims of Crime program to include reimbursement for domestic violence peer counselors.

Marriage License Fees

SB 1618 (Kuehl) – Increases the portion of the marriage license fee currently collected to support county domestic violence programs from \$23 to \$33 per license, and requires \$6 of each fee to be used to target under-served areas and populations.

Protecting the Identity of Victims

AB 1915 (Lowenthal) – Requires the Department of Motor Vehicles to provide a new set of license plates to a registered owner of a vehicle who appears in person and submits a completed application that includes evidence of domestic abuse.

Restraining Orders

SB 1627 (Kuehl) – Insures that the information contained in the Domestic Violence Restraining Order System maintained by the state Department of Justice is complete and accurate, so that courts and law enforcement agencies have the information they need to make informed decisions.

AB 2030 (Goldberg) – Allows fees for service of protective orders for victims of domestic violence, stalking, and sexual assault to be waived.

AB 2563 (Vargas) – Gives a five-day, rather than the existing two-day, notice requirement to the prosecutor when a victim or a defendant is seeking to modify or terminate a protective order. The purpose of the bill is to give the prosecution more time to evaluate these requests.

Stalking

SB 1320 (Kuehl) – Revises California's stalking statute to:

- Clarify that the defendant must either willfully, maliciously and repeatedly follow or willfully and maliciously harass the alleged victim to be guilty of stalking;

- Define “harasses” as two or more acts occurring over a period of time, however short, evidencing continuity of purpose; and
- Remove the requirement that the prosecutor must establish that the defendant’s harassment of a victim would cause a reasonable person to suffer substantial emotional distress and did cause such distress.

State Administration of Domestic Violence Programs

SB 1895 (Escutia) – Requires the Office of Criminal Justice Planning (OCJP) to consult with an advisory council in implementing the domestic violence programs under the jurisdiction of OCJP. At least half of the advisory council would be composed of domestic-violence victims’ advocates or battered-women-service providers.

Child Sexual Abuse

SB 1779 (Burton) – Provides that the extended statute of limitations in childhood sexual-abuse civil cases against a third party extends beyond age 26 of the victim, when the third party knew or had reason to know of complaints against an employee or agent for unlawful sexual conduct and failed to take reasonable action. To preserve a claim in that event, a suit must be filed within three years from the date the victim discovers or reasonably should have discovered that the psychological injury or illness occurring after age 18 was caused by the childhood abuse.

Sexual Assault

SB 1421 (Romero) – Expands the crime of sexual battery and other sex offenses to include instances where the victim is unaware of the nature of the offense due to the perpetrator’s fraudulent representation that the act served a professional purpose.

AB 1860 (Migden) – Requires that female victims of sexual assault be provided information and services pertaining to emergency contraception.

AB 2195 (Corbett) – Extends to victims of sexual assault the same workplace protections afforded victims of domestic violence. Victims of sexual assault would be eligible to take time off from work and employers could not take adverse actions against the employee, so long as the employee complies with conditions such as notice to the employer.

AB 2583 (Chu) – Creates a statewide task force on sexual assault to gather data on sexual assaults on campuses of California colleges and universities and submit a report to the Legislature.

EDUCATION

Early Childhood through 12th Grade

Major themes in K-12 education legislation in 2002 include:

- Enacting a school facilities bond act.
- Refining the statewide student assessment system.
- Clarifying the state's new accountability system.
- Ensuring educational opportunities and outcomes for English-learners and students with disabilities.
- Improving the recruitment and retention of qualified teachers.
- Supporting professional development for school administrators.
- Improving funding and accountability of charter schools.

In addition to these themes, the Legislature has embarked upon an ambitious plan to reevaluate and plan education services for youth from preschool through adulthood. This effort has been undertaken by the Joint Committee to Develop a Master Plan for Education –Kindergarten through University, established over two years ago.

As envisioned by Senate Concurrent Resolution 29 in 1999, the Joint Committee has held numerous hearings at the Capitol, sponsored town hall meetings throughout the state and used an online forum in an effort to construct a roadmap for California's public kindergarten-through-university system.

The Joint Committee to Develop a Master Plan has seven working groups that are made up of various education, business and legislative interests. Each group released its own final report. These were used together as the framework for the May 2002 draft report of the full Joint Committee. The final report will be released in August.

After-School Programs

SB 1478 (McPherson) – Establishes, from available federal funds, the High School After-School Safety and Enrichment for Teens Program, offering incentives for after-school enrichment programs for high school pupils.

AB 1984 (Steinberg) – Establishes High School After-School Safety Enrichment for Teens (High School ASSETs), which requires that a minimum of 10 high

school after-school programs be established. Requires the program to include academic assistance and enrichment activities.

AB 2324 (Diaz) – Revises time requirements for after-school programs, eliminating requirements to operate until at least 6 p.m. and three hours every day, and replacing them with requirements to operate at least 12 hours a week in middle school and 15 hours a week in elementary school.

Assessment and Accountability

SB 319 (Alarcón) – Makes several changes to the eligibility requirements under the Teaching as a Priority Block Grant. Schools would be required to demonstrate a decrease in teachers with emergency permits or waivers and a decrease in schools ranked in the bottom half of the API.

SB 1310 (Alpert) – Makes several changes to the Public Schools Accountability Act related to the implementation of sanctions within the Immediate Intervention/Under-Performing Schools Program (II/USP). The bill recasts various sanctions and uses the term “state-monitored school” for schools failing to meet growth targets within the prescribed period and failing to show significant growth. The bill specifies implementation of the state “take over” provisions of the II/USP, specifically around the areas of principal hearings, timing of implementation, funding for schools, exit criteria for sanctioned schools, facilities funding, data issues and deadlines.

SB 1367 (Karnette) – Requires the State Board of Education (SBE) to periodically review and modify the state’s academic content and performance standards, commencing in 2010.

SB 1408 (Vasconcellos) – Requires the governing board of each school district that grants a high school diploma to annually compile the number of pupils, by grade level, who attempted and failed any part of the high school exit examination and who meet specified criteria.

SB 1453 (Alpert) – Requires, subject to the availability of federal funds, the state Department of Education (SDE) to contract for the development, hosting, and maintenance of a data system capable of containing longitudinal pupil achievement data on the Standardized Testing and Reporting (STAR) assessment exam, high school exit exam, and English-language development assessments.

SB 1548 (Alarcón) – Requires the SDE, through the California Arts Assessment Network, to develop a pool of diagnostic assessment items that may be used by classroom teachers, administrators, school districts, or county offices of education to assist them in determining the extent to which pupils are mastering the content standards.

SB 1868 (Torlakson) – Continues the current authorization to offer supplemental instruction to pupils at risk of retention in grades 2 through 6 without imposing a cap on state reimbursement for such instruction that is otherwise scheduled to take effect January 1, 2003.

AB 1794 (Chavez) – Allows a school district to include, in its adult education program, courses of supplemental instruction in preparation for the high school exit examination (HSEE) for persons who complete grade 12 and have not

passed the HSEE. Allows pupils who successfully pass the HSEE within six months of completing grade 12 to be eligible for high school diplomas.

AB 2001 (Diaz) – Requires the SDE, in consultation with the University of California and the California State University, to establish a task force to identify model programs, standards, and curricula relating to ethnic studies at the high school level. Requires the task force to submit its report to the governor and Legislature and make it available on SDE's website on or before January 1, 2004.

AB 2507 (Rod Pacheco) – Requires state special schools – the school for the deaf and two schools for the blind – to put in place certain assessment and accountability measures for school employees and students.

AB 2217 (Strom-Martin) – Creates a commission to develop a “quality education model” to identify the educational components, educational resources and corresponding costs that are necessary to provide the opportunity for a quality education to every pupil in California.

AB 2347 (Goldberg) – Makes major modifications to the existing STAR exam, including the elimination of the norm-referenced portion of the STAR test. The bill also requires the SBE to develop by 2004-05 alternative assessments for pupils with exceptional needs who are not able to participate in the assessment program despite appropriate testing accommodations and requires SBE to develop and adopt assessment tests in four non-English languages for use by 2006-07. The bill establishes a Content Review Panel within SBE, composed of a majority of certificated teachers, to make recommendations to SBE regarding the curriculum-based assessment program developed pursuant to this bill. The bill extends the sunset date for the STAR program from January 1, 2005, to January 1, 2008.

AB 2403 (Steinberg) – Requires pupil data collected for the Academic Performance Index (API) and data used for action plans to be disaggregated for foster children.

AB 2531 (Steinberg) – Establishes the High School Pupil Success Act to be administered by the state secretary for education in consultation with a partnership consisting of representatives of the SDE, SBE, the Bill and Melinda Gates Foundation, the Carnegie Corporation, the Walter S. Johnson Foundation, the California County Superintendents Educational Services Association, and others appointed by the secretary of education.

AB 2600 (Pavley) – Requires the superintendent of public instruction and the advisory committee established by this bill to develop guidelines regarding the method and content of alternative assessments to the high school exit examination for those individuals with disabilities who cannot participate in the examination regardless of accommodation or modification. Requires the SBE to adopt alternate assessments for those pupils.

AB 2676 (Wyland) – Specifies how local school boards are to discuss their school's rankings on the annual API and the tests administered pursuant to the STAR program.

Career- Technical Education

SB 1731 (Alarcón) – Requires the superintendent of public instruction, in consultation with school districts that include high schools, to develop a plan to better prepare students for life careers by providing them with a rigorous and high-level curriculum.

SB 1934 (McPherson) – Requires the superintendent of public instruction in consultation with an advisory group, to develop, and the SBE to adopt, a curriculum framework for career technical education.

AB 2541 (Negrete McLeod) – Requires an applicant for a School-to-Career Interagency Partnership grant to demonstrate an instructional program advising pupils of an employee's and an employer's rights and obligations in the workplace.

AB 2886 (Wiggins) – Requires that the Average Daily Attendance (ADA) claimed for pupils in grades 9 or 10 enrolled in a regional occupational center or program (ROC/P) shall not exceed 10 percent of the ADA funded in the prior year for the ROC/P.

AB 2956 (Wiggins) – Extends the sunset on the California Information Technology Career Academy Grant Initiative and allows the superintendent of public instruction to evaluate the grant initiative.

Charter Schools

SB 1416 (Polanco) – Requires a county board of education that approves a charter to establish accountability criteria that are in compliance with an alternative accountability system developed by the superintendent of public instruction.

SB 1708 (Poochigian) – Clarifies that a charter school is allowed to report average daily attendance for eligible pupils who require extended-year services as part of an individualized education plan under the Individuals with Disabilities in Education Act.

SB 1709 (Poochigian) – Requires a charter school to transmit a copy of its annual independent financial-audit report for the preceding fiscal year to the controller and the local county superintendent of schools by each December 15.

SB 2039 (O'Connell) – Makes a charter school at which 70 percent or more of the pupils qualify for free or reduced-price meals eligible to receive a charter school facility grant.

AB 168 (Nation) – Extends until July 1, 2005, the controller's authority to transfer funds to charter schools. **Signed – Chapter 36/Statutes of 2002.**

AB 1781 (Hertzberg) – Removes many of the instructional materials funds from the charter schools block grant.

AB 1994 (Reyes, Alquist, Matthews) – Provides both technical and substantive changes in the charter school law regarding course credit transfer, school

closures, satellite sites, start-up dates, and limits charter school locations to the county of their sponsoring district.

AB 2503 (Diaz) – Requires new charter schools to operate only within the geographic boundaries of the sponsoring entity. This would not apply to existing charter schools.

AB 2628 (Leach) – Requires a county superintendent of schools to monitor the operation of all charter schools located within that county and authorizes investigations into the operations of any of those charter schools. Requires charter schools to notify the county superintendent of all charter school locations.

Curriculum

SB 1770 (Burton) – Requires the SBE to conduct a statewide competition for all K-12 pupils on the methods of penmanship.

SB 1973 (Polanco) – Creates the Young Voters Task Force to develop a 12th-grade model curriculum to improve voter participation rates among young people. Requires that all 12th grade social studies classes use this model curriculum.

AB 1793 (Migden) – Requires school districts to report every year to the SDE the results of physical performance testing, requires SDE to monitor schools' physical instruction to students, and clarifies the instruction requirements for physical education in grades 7-12. Also requires the SBE to adopt content standards for physical education.

AB 2326 (Frommer) – Requires the superintendent of public instruction to form an advisory task force to develop reading standards for Braille.

Early Childhood Education

SB 1596 (Scott) – Enacts the Child Care Family Support and Accountability Act to provide a comprehensive system of child care services to reduce fraudulent activities. Requires the superintendent of public instruction to ensure that each contract for child care and associated services specifies how the effectiveness of the contract will be measured, and how fraudulent activities will be eliminated.

AB 2068 (Briggs) – Expands the eligibility criteria of the Assumption Program of Loans for Education to include students who agree to teach for four years in a child development program or early childhood education program coordinated by a school district or a county office of education. The applicant would have to receive an early childhood special education specialist credential or other special education credential.

Education Equity and Diversity

AB 2003 (Koretz) – Establishes the Holocaust and Genocide Education Act of 2003 and the Holocaust/Genocide Commission. Requires a Model Curriculum for Human Rights and Genocide to be made available to schools in grades 7 to 12 as soon as funding is available. In addition, would establish the Center for Excellence on the Study of the Holocaust until January 1, 2008.

AB 2295 (Oropeza) – Requires the SDE and the California Postsecondary Education Commission to prepare a report on interscholastic athletics in this state, covering students in grades 7-12 and in the public higher education institutions. The report, due to the Legislature by June 30, 2003, would address findings and recommendations related to the percentage of participating women athletes, percentage of funding, percentage of scholarships, and overall level of compliance with Title IX by educational institutions in this state.

AB 2604 (Oropeza) – Requires the California Research Bureau in consultation with the SDE to contract with an independent evaluator to study the availability and effectiveness of cross-cultural training for teachers.

Education Finance

SB 92 (Torlakson) – Exempts special districts that provide fire protection services from the obligation to shift property tax revenues to the Educational Revenue Augmentation Fund in their respective counties, beginning in 2003-04.

SB 1921 (Romero) – Waives any adult education attendance audit findings for any fiscal year if the superintendent of public instruction and the state Director of Finance within a specified time period have not decided whether the exceptions are minor and inadvertent.

AB 2138 (Firebaugh) – Requires the annual fiscal audit of school districts include local bond funds and revises audit penalty procedures to prevent double penalties in districts with declining enrollments.

AB 2217 (Strom-Martin) – Establishes the California Quality Education Commission effective July 1, 2003, to develop a Quality Education Model for establishing school costs that allow pupils to meet state academic performance standards. A report comprising prototype models and the commission's findings and recommendations is due within 12 months after the commission first convenes.

AB 2834 (Migden) – Makes legislative findings and revises current school district auditing procedures beginning in 2002-03.

English-Learners

SB 1595 (Escutia) – Consolidates into one code section the rights of parents of California's K-12 students. States that parents of English-learners are to be notified of their children's scores on tests of English-language development and of their right to request a waiver allowing their child to be placed in an educational program other than English immersion. Reauthorizes and simplifies current statutes that require schools and school districts to establish English-learner parent advisory committees.

SB 1665 (Polanco) – Repeals the most recently enacted law regarding the assessment and reclassification of English-language learners and requires these activities to be accomplished in accordance with the newly established provisions of the bill.

Governance

SB 1308 (Alpert) – Increases the maximum level of compensation that members of a school board, a county board of education, or a community college governing board may receive. Also deletes a provision of current law that allows voters to reject a compensation increase by majority vote in a referendum established for that purpose.

AB 2363 (Firebaugh) – Changes the criteria for membership on the SBE covering the length of terms, appointment categories, and geographic representation. The bill would affect appointments made for the term beginning on January 15, 2003, and each successive year. Beginning with the term commencing on January 15, 2006, the composition of the board will fully meet these criteria.

Incarcerated Youth and Adults

AB 323 (Pavley) – Requires the Legislative Analyst's Office to examine and assess the special education needs of pupils who are enrolled in juvenile court schools operated by county offices of education.

AB 2496 (Steinberg) – Revises court and probation procedures to help move juveniles more swiftly from secure juvenile detention facilities to non-secure facilities, such as foster homes or community care facilities.

AB 2750 (Wesson) – Allows a school district or county board of education to report an increase in average daily attendance as specified for schools or classes for adults in correctional facilities if that increase is attributable to an increase in domestic violence and substance abuse classes.

Instructional Aides

SB 1405 (O'Connell) – Requires a school district that employs a paraprofessional to ensure that the person has demonstrated knowledge and instructional ability in reading, writing and mathematics. Defines a paraprofessional to include an instructional aide or a teacher aide. Requires a paraprofessional supported by federal funds to pass a proficiency exam.

Instructional Materials

AB 1781 (Hertzberg) – Repeals some provisions in the California Classroom Library Materials Act of 1999 regarding state funding. Authorizes a school district to use the funding to purchase library materials on the condition that the school district develop a districtwide classroom library plan based on increases and decreases in enrollment instead of average daily attendance. Establishes the Instructional Materials Funding Realignment Program to provide funding for instructional materials on the basis of an equal amount per pupil enrolled in a district's public elementary and high schools.

Pledge of Allegiance

SB 1248 (Knight) – Requires the Pledge of Allegiance to be recited at the beginning of every school day in public elementary and secondary schools. Declares that students and employees who do not wish to participate may remain silent and seated in the classroom and requires school districts to provide notice of a right not to participate.

School Administrators

SB 850 (Scott) – Allocates \$1.4 million to develop programs to train and certify school management and business officials throughout the state.

SB 1655 (Scott) – Provides an expedited credentialing route for school administrators fashioned after the expedited credential route for teachers in SB 57 (Scott) of 2001.

SB 1995 (Alarcón) – Establishes the School District Organizational Leadership and Development Training program, jointly administered by the state superintendent of public education and the secretary for education in partnership with others, to assist school districts in acquiring the leadership and organizational skills for improving pupil performance.

AB 2540 (Steinberg) – Requires the superintendent of public instruction to award incentive funding to provide school district and county office superintendents with instruction and training.

School Facilities

SB 1673 (McPherson) – Changes requirements to permit a school facilities grant for demolishing a single-story building and replacing it with a multi-story building.

SB 1915 (Alarcón) – Revises the statutory formula for calculation of school district deferred maintenance apportionments and required local matching funds.

AB 16 (Hertzberg, Wesson, Leonard, Firebaugh, Goldberg, Strom-Martin, Alpert, Chesbro) – Enacts the Kindergarten-University Public Education Facilities Bond Acts of 2002 and 2004, and specifies procedures for the expenditure of the funds. The measure authorizes two statewide bond measures – one on the November 2002 general election ballot and one on the primary election ballot in March 2004. If approved by voters, these bonds would provide \$25.4 billion for K-12 and higher education facilities – \$13.05 billion in 2002 and \$12.3 billion in 2004. Of these totals, \$21.4 billion would be available for K-12 education facilities and \$4 billion for higher education facilities. The bill also makes other changes in the state school construction program. **Signed – Chapter 33/Statutes of 2002.**

AB 2424 (Goldberg) – Authorizes school districts to form a districtwide local school construction authority for performing the tasks necessary for the completion of a school construction project. The local school construction authority shall be established by a resolution of the school district governing board and shall be governed by a local school construction governing board. Provides that the State Allocation Board shall adopt regulations to expedite the distribution of funds pursuant to this chapter.

AB 2466 (Firebaugh) – Authorizes any school district to apply for school facilities projects from the district's required maintenance funding and requires that local governing boards annually discuss the condition of the fund at a public hearing. The bill also revises the statutory formula for calculation of school district deferred maintenance apportionments and required local matching funds.

AB 2588 (Hertzberg) – Establishes the School Facilities Collaborative Implementation Advisory Commission, conditioned upon available funds in the Budget Act. The commission would determine the “best practices” for school-community collaboration in developing successful schools, as defined, and advise the State Allocation Board regarding adoption of those practices. The commission would report annually to the Legislature.

School Health

SB 1289 (Haynes) – Requires the SDE to conduct a study regarding the use of psychotropic medication in public schools.

SB 1632 (Perata) – Requires every school site to allow pupils to use sunscreen during the school day without a physician’s note or prescription, and authorizes school sites to set a policy related to the use of sunscreen.

AB 481 (Firebaugh) – Clarifies that existing law related to administration of medication to pupils specifically applies to pupils with diabetes. Permits assistance from trained school personnel to students who are not able to self-test/monitor their blood glucose level or self-administer insulin.

AB 1905 (Longville) – Requires the governing board of a school district to screen pupils for risk of developing Type 2 diabetes mellitus.

AB 2136 (Florez) – Requires the superintendent of public instruction to appoint a State School Health Advisory Council to make recommendations regarding model health services programs that directly serve pupils and practices by January 1, 2004. Requires the SDE to develop school health services and school nursing services criteria.

AB 2532 (Rod Pacheco) – Requires the SBE by July 1, 2003, to develop and distribute to school districts a voluntary survey to determine whether, and in what way, school districts have addressed the issue of backpack weight. Based on the survey, the board would provide recommendations to school districts on creative cost-effective options to reduce excess backpack weight.

AB 2593 (Rod Pacheco) – Provides that it is unlawful for a person who is not a student, officer, or employee to return to campus after being directed to leave.

AB 2741 (Chan) – Creates the Children’s School Readiness and Health Council in the Health and Human Services Agency to, among other things, promote policy development in regard to children’s school readiness and health.

AB 2785 (Chan) – Increases the grant amount the governing board of a school district can apply to the superintendent of public instruction from \$5,000 to \$15,000 and decreases the matching funds requirement to \$1 for each \$5 awarded. The funds can be used for training programs on conflict resolution, bullying prevention, tolerance education, and creating safe and secure learning environments for all pupils.

AB 2881 (Chan) – Requires the superintendent of public instruction to convene a working group of school nurses, teachers and others to develop a core competency curriculum on identifying basic health issues that commonly affect

pupils' performance and a handbook for use by school districts. Requires adoption of the curriculum and handbook after a public hearing.

AB 2817 (Maddox) – Requires that instruction for sex education courses must advise pupils of the Safe Arms for Newborns Law, **SB 638 (Brulte), Chapter 824/Statutes of 2000**, which allows mothers to anonymously surrender an infant up to 72 hours old at a hospital emergency room or other designated location without fear of prosecution.

School Safety and Violence Prevention

SB 1656 (Scott) – Closes gaps in current law that hinder or delay the revocation of credential holders and denial of applications of individuals convicted of sex offenses that required registration as sex offenders.

SB 1667 (Vasconcellos) – Establishes the Double Your CASH Program to guide the development of school safety plans that assure a safe physical school environment, assure that every school is a safe, accepting, nurturing, emotional environment and provide every pupil with resiliency skills.

AB 355 (Havice) – Allows school districts to use School Community Policing Partnership Grant Program funding for the school resource officer positions established after January 1, 2003.

AB 2158 (Lowenthal) – Requires a school principal to notify parents and each school employee of a violent crime occurring on the school site.

AB 2614 (Havice) – Requires that, commencing in fiscal year 2003-04, first priority for funds that are appropriated for the School Safety and Violence Prevention Act, up to \$4 million, shall be allocated to school districts and county offices of education to hire additional licensed or certificated school counselors. These would be in middle schools or high schools that maintain a ninth grade, are ranked within the lowest decile on the API, and have submitted an application for funding that contains funding and staffing documentation.

Special Education

SB 1911 (Ortiz) – Requires the Department of Mental Health to report to the Legislature on the increased savings and service improvements that could be obtained by seeking federal waivers and maximizing federal funding for children's mental health programs.

SB 2012 (Margett) – Conforms California's special education statutes to federal laws and regulations relating to the Individuals with Disabilities Education Act in the area of interagency agreements.

AB 164 (Harman) – Requires the SDE to establish a statewide program of grant funding to support alternative dispute-resolution programs for resolving special education disputes.

AB 1859 (Papan) – Revises and recasts certain provisions of state law relating to the education of a pupil with exceptional needs by school districts, county offices of education and special education local plan areas to conform those provisions with the federal Individuals with Disabilities Education Act (IDEA).

AB 1895 (Wright) – Prohibits an employee of a school district, county office of education or a special education local plan area from directly or indirectly using official authority or influence to intimidate, threaten, coerce or interfere with the right of a person to obtain services for an exceptional needs pupil.

AB 2520 (Bates) – Authorizes the Orange County Office of Education to establish a pilot program to provide opportunities to educate in a less restrictive environment, appropriate to the need for services, for certain special education pupils. These pupils would be those in licensed children's institutions and foster family care placed in certain specified schools.

Student Support Services

SB 1677 (Alpert) – Clarifies existing law as it relates to surrogate parents and responsible adults who make educational decisions for the child. The bill requires the juvenile court to appoint a "responsible adult" to make education decisions after the court limits the right of the parent to make those decisions. The bill further provides for the appointment of a responsible person to represent the child's education interests at significant stages *throughout* dependency proceedings. In addition, the bill requires appointment of a surrogate parent if the court has limited the right of the parent or guardian to make educational decisions for the child.

AB 886 (Simitian) – Requires appointment of a responsible adult to make educational decisions for wards and dependents of the court when those rights are removed from their parents or guardians.

AB 2025 (Corbett) – Requires the SDE to convene a voluntary working group to develop a master plan for pupil support services, due to the governor and the Legislature by January 1, 2005.

Supplemental Instruction

SB 1671 (Escutia) – Allows districts to continue providing remedial instruction to *all* students in grades 2-6 who are at risk of retention, delaying the 5 percent student enrollment cap that is scheduled to take effect on January 1, 2003. This bill gives school districts the authority and funding to offer additional instructional time to all students in grades 2-6 who are at risk of not moving on to the next grade level.

AB 2130 (Simitian) – Repeals and extends supplemental instruction programs to allow school districts to continue providing supplemental instruction to pupils in grades 2 through 9 who are at risk for retention.

Teachers – Preparation and Recruitment

SB 1646 (Alpert and Vasconcellos) – Requires that all regionally accredited public postsecondary institutions establish a baccalaureate degree in elementary education, culminating in a multiple subject preliminary teaching credential.

SB 1944 (O'Connell) – Provides that for purposes of any reference made to the section of law added by this bill, the term educator means a certificated person holding a valid California teaching credential or a valid California services credential, who is employed by a local education agency or special education

local planning area, and who is not employed as an independent contractor or consultant.

SB 2029 (Alarcón) – Authorizes the Commission on Teacher Credentialing to issue district intern certificates to persons employed by any school district. Eliminates a requirement that a district intern teach one complete school year in a general education program.

AB 2767 (Pavley) – Requires the Department of Education to conduct a study of the impact of the federal Windfall Elimination Provision and the Government Pension Offset on new teacher recruitment in California and to report their findings and recommendations to the Legislature and the Governor by July 1, 2004.

AB 2575 (Leach) – Expands the ways by which an individual can qualify for a single-subject teaching credential, by allowing individuals with professional and education expertise in their field to obtain a professional single subject credential if they meet specified qualifications.

AB 2950 (Strom-Martin) – Extends the California Subject Matter Project operated by the University of California, until June 30, 2007.

Teachers – Salaries and Benefits

SB 1580 (Burton) – Requires that certain members of the State Teachers Retirement Board be elected by the members of the State Teachers' Retirement System (STRS) rather than appointed by the governor.

SB 1983 (Soto) – Allows members of STRS to count up to 0.2 years of unused sick leave, and eligible time during which a disability allowance was payable, towards certain longevity benefit enhancements provided the member returns to work for at least one year. The bill also makes changes to beneficiary options. Allows STRS to acquire and develop surplus land owned by school districts. In addition, SB 1983 requires the State Teachers' Retirement Board to submit a report to the Legislature that evaluates existing beneficiary options.

AB 2444 (Dutra) – Requires the Department of Personnel Administration to consider making salaries for teachers, specialists, administrators of the state special schools and diagnostic centers competitive with the salaries of similarly qualified school teachers, specialists, and administrators who are employed by the encompassing school districts.

EDUCATION

Higher Education

A flurry of bills introduced this year attempt to make college more affordable by limiting fees charged to students and strengthening financial aid opportunities. Several of these bills target specific student populations needing additional support to succeed in college, such as dependents of military personnel killed in the line of duty or dependents of individuals killed in the September 11th attacks, and students pursuing an education that will lead to work in high-shortage fields such as nursing and early-childhood development.

Additionally, numerous bills were introduced that strengthen academic opportunities for students pursuing a higher education, establish university policies and practices for entering into new service contracts, and seek to strengthen policies regarding the hiring of community college full- and part-time faculty.

One bill, **SB 1646 (Alpert)**, proposes a major change in teacher education by allowing students to major in elementary education as undergraduates and segue into a teacher-credential program.

Student Fees

Student fees for resident students attending public colleges and universities in California have not been increased for eight consecutive years. Ever since the dramatic fee hikes in the early 1990s and the impact of these actions on student access, policy-makers have been reluctant to propose new student fee increases.

The non-resident student fee rate is \$11,132 annually at the University of California (UC), \$7,380 at the California State University (CSU) and \$3,900 at the California Community Colleges (CCC's). Residents pay the in-state rate of \$3,859 annually at UC, \$1,876 at CSU and \$330 at a community college.

Because of the current budget deficit, this is the first year since 1994 that the state has not "bought-out" fee increases for UC and CSU students with additional General Fund support.

SB 1543 (Firebaugh) – Limits the legal exposure for UC, CSU or CCC if a state court overturns a 2001 state law that exempts certain undocumented immigrant students from out-of-state tuition (AB 540-Firebaugh and Maldonado, Chapter 814/Statutes of 2001). The law established that those who have lived at least three years in California and graduated from California high schools qualify for lower "resident" fee charges at the CSU and CCC regardless of citizenship status. This is applicable to UC only to the extent that the Regents adopt a resolution accepting it.

SCR 49 (McPherson) – Expresses legislative intent to refrain from increasing fees for students attending UC, CSU or a CCC. The resolution also includes a variety of findings relative to increases in student fees.

AB 1746 (Lui) – Prohibits CSU and the CCC's from collecting any fees or tuition from specified dependents of those killed in the terrorist attacks of September 11th. Prohibits the CCC's from charging fees to specified dependents of law enforcement and fire personnel killed in the line of duty. These provisions are applicable to the UC only if the Regents adopt a resolution to conform.

AB 1841 (Hollingsworth) – Provides resident status, for the purpose of determining student fees, to members of the armed forces reserves, specified veterans and members of their immediate families.

AB 1965 (Bogh) – Prohibits the UC, CSU and CCCs from charging mandatory student fees to any undergraduate student who is the recipient of, or a child of a recipient of, the Congressional Medal of Honor. This applies to UC only if the Regents adopt a resolution to conform.

Financial Aid

Several financial aid bills were introduced that seek to help specified classes of students and families and strengthen participation in the state's Cal Grant financial-assistance program.

SB 1266 (Battin) – Exempts contributions made to the State Teachers' Retirement System (STRS) from being included when calculating an applicant's income and assets for determining eligibility for a Cal Grant award.

SB 2008 (Speier) – Establishes the Assumption Program of Loans for Nursing Education (APLE-Nursing) to provide up to \$11,000 in loan assumption benefits to eligible nursing students who pursue work in identified high-shortage areas, such as in a general acute care or acute psychiatric hospital or a community clinic, free clinic or a clinic run by a federally recognized Indian tribe.

AB 1059 (Oropeza) – Requires the California Student Aid Commission to provide sufficient grade-point average (GPA) verification forms to high schools and community colleges. Also requires the commission to inform all schools and community colleges of relevant deadlines for submission of GPA information for students to be eligible for a Cal Grant award.

AB 1381 (Flores) – Allows a pupil to be eligible for a Governor's Scholars award or Governor's Distinguished Mathematics and Science Scholars award if the pupil has been enrolled at a California public high school for a least 16 of the 24 months immediately preceding the administration of the test, instead of the current enrollment requirement of 12 consecutive months.

AB 1759 (Wesson) – Establishes a California memorial license plate to raise funds for the California Memorial Scholarship Fund and an Antiterrorism Fund. These resources would be used to fund educational Scholarships for surviving spouses and dependents of victims of the September 11th attacks and to fund the California Resources to Combat Terrorism Program.

AB 1766 (Alquist) – Makes technical changes to require the Student Aid Commission to fund, rather than grant, a maximum of 22,500 competitive Cal Grant A and B awards. This change allows the commission to over-award grant letters to reach the statutory goals within the competitive Cal Grant program. Additionally, the bill permits the commission to use any reasonable means to ensure that the maximum number of statutorily required Cal Grant C awards are granted each fiscal year.

AB 1991 (Liu) – Permits a community college student to receive a Cal Grant A award for up to two years at a community college and up to three years for full-time study at an eligible four-year degree-granting institution. Currently, a community college student is not allowed to use a Cal Grant A award until he or she transfers to a four-year institution.

AB 2068 (Briggs) – Expands the eligibility criteria for the Assumption Program of Loans for Education (APLE) to include students who agree to teach four years in a child-development program or early-childhood program coordinated by a school district or county office of education. The candidate must receive an early-childhood special education specialist credential or other special education credential to be eligible.

AB 2527 (Diaz) – Requires the Student Aid Commission to “seek to establish” a continuous Cal Grant application process. Until such a process is established, the commission would set two application deadlines for consideration of Cal Grant C awards. The first deadline would be March 2nd and the second deadline would be September 2nd.

AB 3045 (Assembly Higher Education Committee) – Conforms several provisions in state law to federal law regarding the Golden State Scholarshare Trust Act.

Expansion of Academic Preparation and Support for Research

A cluster of bills seeks to improve academic opportunities for students and increase support for key research areas.

SB 1339 (Vasconcellos) – Requests the Office of the President of UC to assist high schools in maintaining accurate UC-approved course lists.

SB 1365 (Speier) – Extends the expiration date of the California Breast Cancer Research Fund from January 1, 2003, to January 1, 2008. Also specifies that UC may use up to 5 percent of the money allocated from this fund to administer and market the program.

SB 1639 (McPherson) – States legislative intent regarding the purpose and goal of educational counseling and the role of school counselors. Clarifies the authority and responsibilities of credentialed school counselors and encourages areas of counseling to cover academic development, career development and personal and social development.

SB 1771 (Alarcón) – Requests the UC Regents to identify for the Legislature by March 1, 2003, the resources that exist for developing and coordinating curriculum and research on diversity.

SB 1796 (Scott) – Makes a one-time General Fund appropriation of \$140,000 to the CCC chancellor for awarding competitive grants to up to six community colleges to support a pilot program for providing expanded services for Extended Opportunities Programs and Services (EOPS) students. These expanded services would focus on providing “learning community services.”

AB 1616 (Lowenthal) – Appropriates \$460,000 from the General Fund to the CSU for interactive television, Internet-based courses, and other off-campus options for providing instruction to persons training to teach visually-impaired students.

AB 1751 (Alquist) – Requires high schools to offer a course regarding the economics of higher education to help students understand income benefits of vocational education, and of associate, bachelor’s, graduate and professional degrees. In addition, this course would provide information on federal, state and institutional financial aid opportunities.

AB 2153 (Firebaugh) – Provides greater local input when a CSU campus is considering changes to its admissions, retention and remediation policies. Each CSU campus would be required to establish an advisory committee on admissions, enrollment, retention and outreach.

AB 2202 (Alquist) – Requires CSU to provide academic courses and training in the field on gerontology for professional personnel who serve the senior population.

AB 2626 (LaSuer) – Modifies existing law to provide for the crediting of additional units of full-time equivalent students, rather than average daily attendance, to community colleges who enroll pupils as special part-time students. This bill addresses the needs of gifted and talented pupils to facilitate their enrollment in college courses and the benefits of a college education. Permits a community college district to apply for funding to reimburse parents or guardians for costs related to elementary or secondary school students’ enrollment in the community college.

AB 2657 (Bogh) – Delays and phases in current law prohibiting the practice of assigning extra grade weight for honors courses unless the course has been approved by UC as an “honors” course.

AB 2920 (Aroner) – Establishes the California Center on Social Work Careers to recruit qualified individuals into the profession of social work. The measure also establishes the Social Work Careers Concurrence Committee to set priorities, goals and objectives to carry out the work of the center.

ACR 178 (Diaz) – Requests the UC Regents to implement a comprehensive review of admissions processes for their graduate and professional schools by the end of 2002-03 academic year. The resolution also requests UC, before the end of the 2002-03 academic year, to prohibit the use of standardized test scores as the sole or primary criterion of an applicant’s admission into graduate or professional programs.

ACR 189 (Longville) – Urges the trustees of CSU to establish a Chicano Studies Department at CSU, San Bernardino. CSU San Bernardino has one of the most diverse student populations, yet it has no Chicano Studies program.

Teacher Credentialing

Three bills would strengthen teacher credentialing opportunities and close loopholes in certifying teachers.

SB 1646 (Alpert & Vasconcellos) – Requires that all regionally accredited public postsecondary institutions establish a baccalaureate degree in elementary education, culminating in a multiple subject preliminary teaching credential. This change would allow students studying to be teachers to complete intensive field experiences in public elementary schools early in the undergraduate sequence.

SB 1656 (Scott) – Requires the Commission on Teacher Credentialing to deny the application or revoke the credential of any teacher who is required to register as a sex offender under any other state or federal law.

SB 1655 (Scott) – Authorizes the Commission on Teacher Credentialing to issue administrative services credentials in an alternative expedited fashion.

Higher Education Funding

Two bills were introduced that redirect funding to benefit specific areas within higher education.

SB 1450 (Romero) – Requires expenditures for CSU administrative costs to be capped at the level expended in fiscal year 2001-02, and reduced annually by 5 percent for the next three fiscal years. Thereafter, the annual growth in administrative costs at CSU overall and at each campus could not exceed the percentage growth in the CSU's budget.

AB 2429 (R. Pacheco) – Creates an alternative funding formula for the CCC's beginning with the 2003-04 fiscal year. In addition, the bill requires that beginning in 2004-05, funding for the CCC's shall not be less than the 2003-04 appropriation level, plus the percentage increase in school district average daily attendance. The bill seeks to protect the CCC's from losing "guaranteed" funding due to downward adjustments in their percentage of Proposition 98 funding.

Community College Faculty Issues

Several bills seek to strengthen policies regarding community college part-time faculty.

SB 1382 (Karnette) – Requests the CCC Board of Governors to review and report to the Legislature on its policies regarding the percent of instruction taught by full-time faculty. Current law requires that at least 75 percent of the hours of credit instruction in CCC's should be taught by full-time instructors. Based on 1999-2000 figures, the LAO asserts that full-time faculty provide 63.2 percent of credit-hour instruction statewide.

AB 907 (Goldberg) – Requires community college districts to give qualified part-time faculty a preferred right of retention, and prorated salary and benefits.

AB 2146 (Chu) – Authorizes local community college districts to collectively bargain on whether part-time faculty at colleges offering winter inter-session courses can be counted toward the 60 percent work threshold for temporary, part-time faculty.

Labor Issues

A number of bills address university policies and practices for entering into outside service contracts.

SB 2066 (Burton) – Precludes UC from contracting out for work if that work is currently being done by union employees.

AB 1788 (Reyes) – Requires specified UC service contractors to enter into card-check agreements with any labor organization that seeks representation of employees. A card-check agreement allows public or private employees to select representation based on signed authorization cards rather than through a regular election.

AB 2225 (Lowenthal) – Prohibits the CSU Board of Trustees, beginning January 1, 2003, from entering into personal service contracts that have the effect of displacing CSU employees. The bill places contracting-out requirements in the Education Code that are currently used for non-university, civil service employees.

Workforce Development

SB 1566 (Polanco) – Reauthorizes the CCC's Economic Development Program (EDNet) as the CCC's Economic Workforce Development Program and extends the program's sunset date to January 1, 2008. The bill also modifies the mission of the program to include working with representatives of labor and trade associations to develop alternatives for assisting incumbent workers to enhance their long-term employability.

AB 2967 (Wright) – Makes several changes to increase the Bureau for Private Postsecondary and Vocational Education's oversight of institutions, such as clarification of the bureau's role in verifying program and ownership information and including in its annual report a statistical summary of complaints filed, the disposition of those complaints and the enforcement action related to the complaints.

Other Legislation

SB 2028 (Vasconcellos) – Commencing January 1, 2004, creates the Equal Employment Opportunity Fund within the state treasury to be administered by the CCC Board of Governors to promote equal employment opportunities in hiring and promoting within the CCC's. This fund functionally replaces the current Faculty and Staff Diversity Fund.

AB 1747 (Briggs) – Appropriates \$75,000 to the California Postsecondary Education Commission to conduct a study assessing the need for increased access to an institution of higher education within Tulare County.

AB 1756 (Bogh) – Requires higher-education institutions to report to the Immigration and Naturalization Service when an admitted international student

fails to enroll or participate in classes within 30 days of registration for the current term.

AB 1904 (Reyes) – Requires the UC to prepare a report by January 1, 2004, on the entertainment industry and its affects on communities of color. The bill directs the UC to examine whether minorities have access to directing, producing, managing and acting jobs within television and motion pictures.

AB 2243 (Chu) – Requires the chancellor of the CCC's to make available via the Internet the Budget and Accounting Manual approved by the CCC Board of Governors, and other specified financial information.

AB 2583 (Chu) – Creates a Statewide Task Force on Sexual Assault to gather data on sexual assaults on California colleges and universities. The task force would submit a report to the Legislature on or before April 1, 2004.

ACR 159 (Aroner) – Expresses the Legislature's intent that the UC and CSU find ways to finance and encourage student housing development. Assures the UC and CSU of the Legislature's support in all efforts to construct and obtain student housing.

Elections and Political Reform

State Primary

SB 1975 (Johnson) – Requires that the statewide direct primary election be held on the first Tuesday after the first Monday in June of each even-numbered year. Existing law requires that the statewide direct primary election be held on the first Tuesday in March.

Campaign Financing

SB 1978 (Speier) – Prohibits a person licensed by the state insurance commissioner from making a campaign contribution to the state insurance commissioner or to any candidate for that office.

AB 2134 (Longville) – Enacts the Campaign Finance Reform Act of 2004, which would authorize eligible candidates for legislative office to obtain public funds, provided that certain thresholds were attained.

Political Expression

SB 1680 (Polanco) – Reduces the punishment to two days in the county jail and a fine of \$100 or less for the misdemeanor offenses of obstructing an executive officer, resisting arrest, public nuisance, unlawful assembly, remaining present at a riot, disturbing the peace, and failure to disperse if the motive is found to be political expression and there is no actual or threatened harm. The defendant could not have trespassed on residential property or interfered with health-care providers or religious services.

Voters and Voting Technology

SB 976 (Polanco) – Provides that an at-large method of election may not be imposed or applied in a manner that results in the dilution or abridgment of the right of registered voters who are members of a protected class, as defined, by impairing their ability to elect candidates of their choice or to influence the outcome of an election.

SB 1412 (Romero) – Requests the regents of the University of California, and would require the trustees of the California State University and the Board of Governors of each community college district, to direct the appropriate officials at their respective campuses to distribute voter registration forms, as well as information on how obtain those forms.

SB 1973 (Polanco) – Creates a Young Voters Task Force to develop a model curriculum, procedures, and materials for 12th-grade social studies classes with the goal of improving voter participation among young voters. The task force would submit a proposed model curriculum and materials to the secretary of

state for review by April 30, 2003, and to the state Board of Education for final approval by June 30, 2003.

AB 400 (Simitian) – Allows those who run for elected office to use the designation of “community volunteer” on the ballot. Currently a candidate must designate a principal profession, vocation, or occupation, but may not use the term “community volunteer” even if that is his or her principal activity outside the home.

AB 2525 (Jackson) – Requires the secretary of state to adopt rules and regulations governing any voting technology and systems used by the state or any political subdivision that provide blind and visually impaired individuals with access that is equivalent to that provided to sighted individuals.

AB 2594 (Committee on Elections, Reapportionment and Constitutional Amendments) – Requires county elections officials to notify voters who are to be deleted from permanent absentee voter lists for failure to return absentee ballots.

AB 2759 (Shelley) – Requires the governing boards of districts with high schools to adopt procedures for distributing voter registration cards to seniors taking civics classes.

AB 2760 (Simitian) – Provides for expedited congressional elections if 25 percent of the Congress or California congressional delegation is killed, missing, or disabled.

Energy and Utilities

Before actions by the Legislature, Governor Davis and the federal government helped quell the state's energy crisis of 2000-2001, California endured rampant wholesale market prices for electricity and natural gas, along with the threat of rolling blackouts throughout the state.

As a result of these emergency actions, the state's electricity delivery system looks much different than it did before and during the crisis. Today the state's Department of Water Resources (DWR) continues to buy electricity on behalf of the customers of the three major independently-owned utilities.

The DWR's authority to purchase power on behalf of the utilities expires at the end of the year. There has been much speculation as to whether the utilities will be ready to resume that procurement and distribution role on behalf of their customers.

On the positive side, rate increases put in place by the California Public Utilities Commission (PUC) during the height of the crisis, coupled with falling electricity prices, have stabilized the market and the privately owned utility's financial situation. However, in terms of future stability there are still many unknowns, such as the result of Federal Energy Regulatory Commission (FERC) investigations as to appropriate refunds for unjust and unreasonable prices to the state and whether FERC will extend their involvement in market mitigation in California – along with the outcome of the Pacific Gas and Electric Company (PG&E) bankruptcy proceedings.

PG&E, the state's only private utility to file for bankruptcy, has provided a reorganization plan to the court allowing the utility to create separate affiliates housing the generation and transmission parts of its business. These "spin-offs" would be virtually unregulated by the state, reporting directly to FERC. Of particular concern to the state in the PG&E bankruptcy is the fate of the company's vast hydroelectric holdings throughout Northern California.

On the supply side, with the recent front-page revelations involving market manipulation and questionable accounting practices by former energy trading giant Enron, the FERC has opened an investigation to include other generators and traders selling into the California wholesale energy market. Generators and energy trading companies are now providing information to the FERC on their buying and trading practices.

Some generators are facing financial hardship in the wake of the crisis and investor skittishness as a result of these allegations – which also could impact negatively on the state's energy system because some generation projects have been postponed or stopped indefinitely.

In order to deal quickly with the energy emergency, Governor Davis issued an executive order asking the Legislature to convene an extraordinary session,

which opened in January 2001. During that first session, the Legislature passed a series of bills to deal with the energy crisis, most notably SB 5X and SB 6X.

In May of 2001, the first extraordinary session was closed to allow signed energy legislation to go into effect (in 90 days under procedural rules) and a second extraordinary session was opened that same month to continue the needed expedited schedule to deal with the energy issues that remained. The second session was closed in the spring of 2002.

Bills from the first extraordinary session are marked with an "X1" and those from the second extraordinary session are designated with an "X2."

Governance and Oversight

SB 1389 (Bowen) – Consolidates and updates the California Energy Commission's (CEC) reporting requirements into one integrated report, requires the reporting of the energy data needed from new market participants, and develops and maintains the capability to produce the required analyses.

SB 1519 (Bowen) – Requires the PUC to develop a mechanism to allow customers of an electrical corporation for whom direct access has been suspended to purchase renewable power. This would allow for reimbursement to the DWR for specified costs related to the department's power purchasing program.

SB 1753 (Bowen) – Requires the Independent System Operator (ISO) to conduct its operations consistent with applicable state laws and the public interest, and requires the ISO to manage the grid and related energy markets in a manner that makes the most efficient use of available energy resources, assuring the least overall economic cost to consumers.

SB 1823 (Sher) – Repeals provisions in law that require the Power Exchange (PX) to provide an "efficient, competitive auction, open on a nondiscriminatory basis to all suppliers, that meets the loads of all exchange customers at efficient prices" and authorizes the PX governing board to form technical advisory committees.

SB 1876 (Bowen) – Repeals obsolete and outdated sections of AB 1890 related to the recovery of utilities' uneconomic costs. The bill states legislative intent that regional electricity transmission markets in the Western states be developed, preferably through a regional compact. Declares that refunds of excessive wholesale power costs recovered by investor-owned utilities (IOUs) are the property of ratepayers, and requires that refunds be held in trust on ratepayers' behalf. Requires that IOUs have a reasonable opportunity to recover costs and earn a reasonable return based on the depreciated book value of generation assets. Authorizes the PUC to regulate an IOU holding company for the purpose of enforcing any conditions on the PUC's approval of the formation of the holding company. Requires any gain or loss on sale of IOU assets included in the IOU's rate base to be allocated exclusively to the IOU's customers.

AB 2490 (Canciamilla) – Changes deadline process for resolving cases before the PUC. Requires that the commission vote on any 60-day extension of the 12-month deadline for adjudicatory cases and allows a 60-day extension of the maximum 60-day proposed decision period only by a vote of the commission or an agreement by all involved parties.

Consumers

SB 500 (Torlaksen) – Requires specified retail, cable television and utility companies to provide consumers with a mutually agreeable four-hour time window for service, and outlines procedures for appropriate notification if the service appointment is delayed.

SBX2 68 (Battin) – Requires the PUC to consider, when establishing priorities in a rotating blackout, the potential effects of extreme temperatures on the health and safety of residential users. **Signed – Chapter 2/Statutes of 2002.**

SBX2 85 (Burton) – Prohibits the PUC from raising electrical rates to pre-10-percent-rate-reduction levels solely because the mandatory rate-reduction period has expired.

AB 58 (Keeley) – Requires electric service providers to make net metering applications available on the Internet, and to timely process net metering applications from eligible customers. Continues net metering for projects over 1 megawatt. In 1995, the Legislature passed SB 656 (Alquist), Chapter 369/Statutes of 1995, requiring electric utilities to buy back any electricity generated by a customer-owned solar electric system. This buy-back program is known as “net metering” because the net electricity generated by a customer is credited against electricity consumed.

AB 80 (Havice) – Exempts Cerritos and San Marcos from the direct access suspension, which would authorize them to act as community “aggregators” to band together customers’ electrical load and purchase power directly from energy companies, thus providing direct access service to their residents, who are in the Southern California Edison territory.

AB 117 (Migden) – Allows for an exemption to the ban on direct access issued by the PUC for cities and counties that choose to aggregate consumers’ electrical load on an opt-in basis. “Community choice” aggregators would be required to file an implementation plan with the PUC and would be required to pay specified proportional amounts for public goods charges and to the DWR for the costs of procuring power for the state.

Renewables/Biomass

SB 530 (Sher) – Renews statewide incentives for renewable energy-generation systems. Requires the CEC to designate a panel of independent experts to evaluate current renewable energy programs and to submit a final report to the governor and Legislature within 30 months. Requires the San Diego Gas and Electric Company, Southern California Edison Company, and the Pacific Gas & Electric Company to spend specified levels of ratepayer money each year from 2002 to 2011 to accomplish the expansion of renewables technology. Expands facilities eligible for investment funding to include those using ocean thermal, tidal current, and wave energy-generation technologies located in the state’s territorial waters.

SB 532 (Sher) – Continues the Public Interest Energy Research Program and the Renewable Energy Program for five years. Additionally creates the California Renewables Portfolio Standard with a goal of increasing the amount of

renewable energy in energy corporations' portfolios from 10 percent to 20 percent by the year 2010.

SB 1534 (Bowen) – Requires solar-energy systems installed by property owners to meet the most current standards for safety and performance. Deletes the existing standards and replaces them with the most current standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories, such as Underwriters Laboratories. Requires solar-energy systems to comply with any applicable rules of the PUC regarding safety and reliability.

SBX2 82 (Murray) – Requires the Department of General Services to install, where feasible, solar-energy systems on existing state buildings and parking facilities, by January 2007, and on state buildings and parking facilities commencing construction after December 2002. Defines “feasible” as the availability of sufficient unencumbered roof space, taking into account geographic location, and life-cycle cost analysis.

AB 2228 (Negrete McLeod) – Creates a pilot program for net-metering of small (less than 1 megawatt) customer-owned electric generation projects fueled by methane produced by specified biogas digester technologies.

AB 1881 (Pescetti) – Expands and modifies SBX2 82 (Murray), Chapter 10/ Statutes of 2001-02 Second Extraordinary Session, which requires the Department of General Services and the CEC to ensure that solar-energy equipment is used “where feasible” on public buildings. Includes solar thermal technologies in the definition of solar-energy equipment and modifies the definition of feasible to require adequate space adjacent to a building, in addition to on a building, when considering applicable technologies. Requires that the value of stable energy costs be considered when determining cost-effectiveness of projects under the law.

AB 2944 (Kehoe) – Establishes the San Diego Solar Streetlights Pilot Program and permits “alternative energy companies” to donate equipment to initiate it. Requires the CEC to report on the program by January 1, 2005. Sunsets January 1, 2006.

ABX2 48 (Wright) – Creates the Solar Training, Education and Certification Act to encourage the use of solar-energy systems. **Signed – Chapter 17/Statutes of 2002.**

Market Fixes

SB 2000 (Dunn) – Prohibits any person engaged in the business of generating, selling, distributing, transferring, marketing, or trading electricity or natural gas from engaging in or knowingly facilitating specified conduct. Provides that a person found in violation of these provisions would be required to disgorge the profits from the unlawful conduct, and would be liable for, among other things, three times the amount of the disgorgement and attorney fees.

SB 1976 (Torlaksen) – Requires the CEC to prepare a report on the feasibility of implementing real-time pricing tariffs for electricity.

Municipal Utilities

SB 1755 (Soto) – Allows county water districts and municipal water districts to provide, generate, and deliver electric power, and to construct, operate, and maintain works, facilities, improvements, and property for that generation and delivery. Prohibits those districts from acquiring property employed in the generation or delivery of electric power, except by mutual agreement between the district and the property owner.

Investor-Owned Utilities

SBX1 39 (Speier/Burton) – Requires the PUC and the ISO to form a committee to adopt standards for the operation and maintenance of power plant facilities in California. Requires the PUC to implement and enforce standards adopted by the committee to assure plants located in California are available to serve the state's consumers. Makes the PUC responsible for enforcement of the power plant outage schedule and protocols adopted by the ISO. **Signed – Chapter 19/Statutes of 2002.**

AB 57 (Wright) – Establishes a process under which an IOU may be assured that its electricity procurement expenses will be recoverable in customer rates, if that procurement is conducted consistent with a PUC-approved procurement plan.

Energy

SB 1885 (Bowen) – Clarifies that electric utilities have an obligation to obtain adequate supplies of electricity.

Energy Efficiency

SB 1790 (Bowen) – Requires the PUC to develop a program for residential and commercial customer air-conditioning load control.

SBX2 84 Burton – Requires the CEC to develop a program to provide battery backup power for traffic-control signals that the CEC, in consultation with cities and counties, determines to be of high priority, and specifies that up to \$10 million in existing state funds shall be made available for the projects.

AB 1561 Kelley – Requires the CEC to establish by January 1, 2004, a 9.5 water-efficiency factor for residential clothes washers manufactured after January 1, 2007. Requires the CEC to petition the federal Department of Energy by April 1, 2003 for an exemption from any relevant federal regulations governing energy-efficiency standards. Requires the CEC to report its progress to the Legislature by January 1, 2004.

Power Plants and Distributed Resources/Generation

SB 1269 (Peace) – Requires a project owner to commence power plant construction within 12 months of CEC certification. Authorizes the CEC to revoke its certification or impose penalties if a project owner fails to meet construction milestones without demonstrating good cause. Authorizes the CEC to extend the start of construction an additional 12 months if the project owner reimburses the CEC for its costs of licensing the project. Allows a project owner

to sell its license, which would reset the 12-month deadline for the new project owner.

AB 1235 (Leslie) – Exempts four Truckee hydroelectric projects, along with any other projects that are located outside the state and are owned by a company whose primary place of business is outside the state, from a two-year moratorium on power plant sales enacted under ABX1 6X (Dutra). Such a sale can only be approved if the PUC finds that the sale is in the public interest.

AB 2307 (Kehoe) – Extends for two years – to June 1, 2005 – the deadline established under SBX1 28 (Sher) that allows customer-owned combined heat-and-power-distributed-generation projects under 5 megawatts to be exempt from utility standby charges.

AB 2718 (Oropeza) - Makes fuel cells or micro-turbines operating on flared (or wasted) gas eligible for incentives under the PUC's Self-Generation Incentive Program.

Environmental Quality

Cathode Ray Tubes

SB 1523 (Sher) – Requires manufacturers or retailers to collect a fee after January 1, 2004, for each cathode ray tube product they sell to consumers in the state. The funds would be used by the Integrated Waste Management Board for a CRT recycling and refurbishment program.

SB 1619 (Romero) – Requires the Integrated Waste Management Board to use funds in the Cathode Ray Tube Recycling Account, which SB 1523 would create, to, among other things:

- Provide matching grants to local governments to establish programs for collecting and processing cathode ray tubes,
- Provide loans and loan guarantees to manufacturers for research and development of environmentally friendly cathode ray tubes and devices, and
- Create a public information program on the hazards of improper CRT storage and disposal.

Compost

AB 2356 (Keeley) – Requires the Department of Pesticide Regulation and the California Integrated Waste Management Board, by July 1, 2003, to jointly convene an advisory committee, with specified representatives, to advise the department on strategies to prevent the contamination of compost by herbicides.

Emissions

AB 1058 (Pavley) – Requires the Air Resources Board to develop and adopt, by January 1, 2005, regulations that achieve the maximum feasible reduction of greenhouse gases emitted by passenger vehicles and light-duty trucks and any other vehicles determined by the state board to be vehicles whose primary use is noncommercial personal transportation in the state.

AB 2637 (Cardoza) – Establishes an enhanced vehicle inspection and maintenance program (Smog Check II) in the San Francisco Bay Area basin. Smog Check II programs are required only in urbanized areas of the state in which any part is classified by the U.S. Environmental Protection Agency as a serious, severe, or extreme non-attainment area for carbon monoxide. This bill is intended to decrease Central Valley pollution, some of which arguably originates in the Bay Area.

AB 2650 (Lowenthal) – Establishes fines for marine terminals that cause diesel trucks to idle for more than 15 minutes. Requires each marine terminal in the state to operate in a manner that does not cause diesel trucks to idle for more than 30 minutes while waiting to enter the gate at the terminal.

Environmental Justice

AB 2312 (Chu) – Creates the Environmental Justice Small Grant Program and requires the California Environmental Protection Agency to make grants to organizations in communities with low-income and minority populations to facilitate community participation in permitting, remediation, and corrective actions, while reducing risks that these communities will be subject to additional environmental degradation.

Environmental Regulation

AB 2486 (Keeley) – Establishes the Environmental Circuit Prosecutor Project within the California Environmental Protection Agency to promote, through uniform prosecution and local assistance, particularly in rural counties, the effective enforcement of environmental laws and regulations.

Radioactivity

SB 1444 (Kuehl) – Prohibits selling, transferring, or leasing radioactive contaminated property for any land use until the radioactive material has been removed and transferred to a licensed radioactive waste disposal facility. Requires anyone subject to these requirements to use the best available techniques, equipment and methodology to provide high assurance that any residual contamination of radioactive material will be identified and removed.

SB 2065 (Kuehl) – Requires the Department of Health Services to establish reporting procedures through a public hearing process for low-level radioactive waste and would require generators of such waste to annually report specified information to the department. The department would be required to prepare an annual set of tables summarizing the data collected.

Tire Recycling

SB 1346 (Kuehl) – Authorizes the Integrated Waste Management Board to award grants to cities, counties, districts, and other local governmental agencies until June 30, 2006, for funding public works projects that use rubberized asphalt concrete from recycled tires.

Underground Storage Tanks

AB 2481 (Frommer) – Establishes requirements for each underground storage tank installed after March 31, 2003. Defines “product tight,” for the purpose of those requirements, to mean impervious to the liquid and vapor of the substance that is contained. Expands the corrective action requirements and related provisions for petroleum underground storage tanks to apply those requirements to all underground storage tanks.

Family Law

The highly contentious area of family law is relatively quiet in the 2002 legislative session. Even among the high-profile measures such as **AB 2240 (Wright)**, a paternity-rights bill, legislators were finding ways to bridge their ideological differences and reach compromise.

Administration of Child Support Services

SB 174 (Kuehl) – Transfers two programs related to child support services, the California Parent Locator Service and the Central Registry, from the state Department of Justice to the state Department of Child Support Services.

Adoption

SB 1512 (Scott) – Enacts various provisions affecting the rights of biological parents when a child is put up for adoption, including notice and consent of the father and the rules on the placement of children between states under the Interstate Compact on the Placement of Children.

Child Custody

SB 1704 (Ortiz) – Provides that recently enacted standards for child custody evaluations in cases involving allegations of sexual abuse apply to court-connected as well as to private evaluators. The bill also supplements the minimum requirements of a child custody evaluation to include obtaining and reporting on any family history of domestic violence, child abuse, or substance abuse.

AB 2441 (Bates) – Requires the court to consider the risk of abduction of a child when making a decision regarding custody or visitation.

Community Property

SB 1936 (Burton) – Clarifies that the fiduciary relationship between spouses includes the same duty of care in the investment and management of community property attributable to business partners managing partnership property under the Uniform Partnership Act.

Domestic Partners

Legislation by Carol Migden established the legal authority of domestic partnerships in 1999 and substantially expanded the rights of domestic partners in 2001. The law defines domestic partnerships as a household relationship between adults of the same sex or opposite-sex partners, when one of these partners is over the age of 62.

AB 2216 (Keeley) – Extends the right of intestate succession (the rules that apply when someone dies without a will) to a decedent's domestic partner.

Requires people already registered as domestic partners to receive notice of this new provision, and requires that notice is provided to people who register in the future.

AB 2862 (Migden) – Makes various technical changes to the rights of domestic partners.

Paternity Testing

AB 2240 (Wright) – Permits the use of genetic testing to vacate or set aside judgments establishing paternity. Creates a motion whereby a judgment of paternity may be set aside upon a showing that the previously established father is not the biological father, but giving the court discretion to deny the motion in consideration of the child's best interests.

Remedy for Non-Payment of Child or Spousal Support

SB 1399 (Romero) – Creates a new crime for ex-spouses who are under a valid order to pay temporary or permanent spousal support, if they flee the state to avoid paying the court-ordered spousal support.

SB 1658 (Soto) – Provides that, in an action to enforce a judgment for child, family or spousal support, the defendant may raise the defense of “laches” with respect to any interest accruing on the judgment when a delay has prejudiced the defendant to the extent that enforcing payment at this late date would be inequitable.

Marital Preparation Course

SB 1479 (Morrow) – Allows counties to reduce the marriage license fee by \$7 if the couple filing for a marriage license has taken and completed a premarital preparation course given by a premarital preparation course provider who has registered with the county clerk and issues a certificate of completion to the couple to be filed with the clerk.

Gambling

Indian Gaming and Casinos

SB 1549 (Battin) – Creates the Indian Gaming Improvement Commission, responsible for determining the eligibility of requests for appropriations from the Indian Gaming Special Distribution Fund. By law, these monies, obtained through tribal-state compacts, may be appropriated by the Legislature and governor to address gambling addictions, for grants to support state and local government agencies impacted by tribal gaming and to compensate for regulatory costs incurred by the California Gambling Control Commission and the Department of Justice in administering tribal-state gaming compacts.

AB 2286 (Horton) – Reorganizes state laws governing ratification of gaming compacts between the state and Indian tribes.

AB 2399 (Committee on Governmental Organization) – Permits a person who possesses a license to operate a gambling establishment to remove from his or her licensed premises any person who is under the influence of a controlled substance.

AB 2446 (Firebaugh) – Revises the membership of the Gaming Policy Advisory Committee, appointed by the California Gambling Control Commission, to include four representatives of controlled gambling licensees, four members of the general public, and three members who are local government officials representing a city or county in which a gambling establishment is located.

AB 2965 (Wiggins) – Makes unlawful various acts of cheating in the playing of gambling games.

ACR 170 (Zettel) – Requests the lieutenant governor to commission a study by the California Commission on Economic Development pertaining to the economic impact of Indian gaming on the state.

Horse Racing

AB 2554 (Strickland) – Deletes the seven-day limitation on offering wagering, thereby authorizing additional wagering.

Bingo

SB 1959 (Polanco) – Specifies that organizations that hold four or more bingo games a week or have \$1 million or more in gross revenues are subject to annual audits.

General Government

Bureaucracy

SB 1428 (McClintock) – Establishes the Bureaucracy Realignment and Closure Commission to recommend the closure or realignment of state bureaucracies. The commission would report its findings to the governor and the Legislature no later than July 15, 2005, and the governor must act on those recommendations by August 15, 2005.

California-Mexico Infrastructure Financing Authority

SB 865 (Polanco) – Establishes a nine-member California and Mexico Border Infrastructure Financing Authority within the state treasurer's office. Requires the authority to identify needs and priorities related to border economic development and environmental quality and to evaluate strategies to address the identified needs. Authorizes Imperial and San Diego Counties, local agencies within those counties, and private sector alliances, including alliances between California and Mexico, to submit project proposals to the authority, which could finance them by issuing revenue bonds.

Inspector General

SB 1791 (Karnette) – Creates an independent office of inspector general that would not be a subdivision of any other governmental entity. Requires written reports at the conclusion of an inspector general's investigation to be disclosed, in confidence, to specified parties.

Olympics

SB 1987 (Burton) – Authorizes the governor to sign agreements required by the U.S. Olympic Committee as part of the bid process for San Francisco to become the U.S. candidate city for the 2012 Olympic Games. **Signed – Chapter 16/Statutes of 2002.**

Public Meetings, Records and Information

SCA 7 (Burton) – Provides that the people have a right to attend, observe, and be heard in the meetings of elected and appointed public bodies, and to inspect and obtain copies of records made or received in connection with the official business of any public body. Permits the Legislature to provide by statute and the Judicial Council to provide by rule for limitations on the right of public access to government information to protect public safety or private property or to ensure the fair and effective administration of justice.

State Budget

SB 1347 (Brulte) – Requires that the budget submitted by the governor to the Legislature for the 2003-04 fiscal year and each following year be developed by

zero-based budgeting for each state agency. Requires the Controller to publish periodic reports on the impact of zero-based budgeting on the state financial process. Establishes a task force to develop zero-based budget guidelines and procedures for state officials involved in the budget process.

Unclaimed Property

SB 673 (Speier) – Requires the state controller to take additional steps to locate owners of unclaimed property. This includes mailing a notice of unclaimed property to all apparent owners of property valued at \$50 or more, not solely those for whom the property-holder reports a Social Security number as specified in current law.

HEALTH

Health Care

Health care priorities reflected in bills introduced in the second half of the 2001-02 legislative session include expanding access to health coverage for low-income children and families, enhancing consumer protections and imposing additional requirements on managed care plans. Other measures would expand the roles and responsibilities of the Department of Managed Health Care, target state tobacco settlement funds for health activities and services, and shore up the state's beleaguered emergency and trauma system.

Bills also were introduced to remove the sunset clause on the program providing Medi-Cal discounts on prescription drugs for Medicare beneficiaries, as well as requiring rebates from drug manufacturers for these programs to be passed onto Medicare recipients.

Additional legislation included making permanent the temporary ban on human cloning and declaring that state policy permits research with human embryonic stem cells.

Emergency Medical Services

SB 487 (Karnette) – Requires any hospital that maintains an emergency room to provide patients, upon discharge, brochures or pamphlets that inform the patients about alternatives to emergency room care.

SB 1629 (Soto) – Authorizes the transfer of available federal monies for grants to state and local agencies to defray the costs of paramedic training for fire service personnel.

AB 687 (Hertzberg and Thomson) – Requires every local emergency medical services agency to develop and implement a trauma care system.

AB 883 (Florez) – Requires each county to establish an emergency medical services fund. Raises the level of possible reimbursement for physicians and surgeons from the funds from 50 percent to 75 percent, alters the funds' distribution schedule, and permits the reimbursement of hospitals for on-call coverage costs.

AB 1833 (Nakano) – Revises the procedures for paying claims out of the Emergency Medical Services (EMS) fund, which is for the reimbursement of doctors and hospitals for emergency medical care to patients with no ability to pay their own bills. Adds local medical societies to the list of entities that may administer a county's EMS fund.

AB 1988 (Diaz) – Requires the Emergency Medical Services Authority to convene a task force to study the delivery of emergency medical services and report to the Legislature by December 31, 2003, on recommendations for improvements.

AB 2067 (Nakano) – Requires the state Department of Health Services (DHS), in consultation with the Office of Emergency Services, to develop a program to oversee the distribution of potassium iodide tablets to persons within a 10-mile radius of accidents at operational nuclear power plants that result in leaks of radioactive iodine. Requires public facilities, schools, hospitals, and local pharmacies to maintain the tablets. Requires the department to report to the governor and the Legislature regarding these programs by December 31, 2003.

Health Access

SB 59 (Escutia) – Requires the Managed Risk Medical Insurance Board, in conjunction with DHS, to report to the Legislature recommendations on innovative methods for addressing health needs of vulnerable children.

SB 187 (Vasconcellos) – Requires DHS to establish a voluntary program for the issuance of identification cards to qualified patients who may use marijuana for medical purposes. Provides that no person who possesses a valid card be subject to arrest for the possession, transportation, delivery, or cultivation of marijuana.

SB 276 (Speier) – Requires public schools, as part of the process for updating parental and pupil information, to ask the parent or guardian of each new and returning pupil whether they would like specified information regarding Medi-Cal and Healthy Families programs.

SB 402 (Ortiz) – Provides no-cost Medi-Cal to 19- and 20-year-olds in families with incomes up to 100 percent of the federal poverty level. Also makes 19- and 20-year-olds eligible for the Healthy Families program.

SB 785 (Ortiz) – Makes conforming changes to the Healthy Families program to implement expansion of the program to cover parents.

SB 1038 (Polanco) – Requires the Managed Risk Medical Insurance Board to allocate sufficient funds to DHS to purchase, store and distribute covered vaccines.

SB 1344 (Haynes) – Requires a working group to review the policies of California health care institutions pertaining to the denial of desired life-sustaining health care and to study various issues regarding the implementation of those policies.

SB 1785 (Vasconcellos) – Authorizes specified personnel at licensed pharmacies to sell up to 30 hypodermic needles or syringes without a prescription to a person who is over 18 years of age. Requires pharmacies to store needles and syringes out of customers' reach. Authorizes pharmacies to provide purchasers of needles or syringes specified public health information. Prohibits discarding or disposing of a hypodermic needle or syringe on a playground or school ground.

AB 482 (Cedillo) – Expands the Healthy Families program to small employers and provides a 50 percent state premium subsidy for employees with incomes below 250 percent of the federal poverty level.

AB 883 (Florez) – Establishes the Farmworker Health Trust Fund to provide funding to clinics for health care, mental health care, and dental care to seasonal agricultural and migratory workers and their families.

AB 1401 (Thomson) – Makes a number of changes in the individual health-insurance market. Extends COBRA and Cal-COBRA coverage from 18 or 29 months to 36 months. Requires health conversion policies offered in the private market to be the same as the standard policy issued by the Managed Risk Medical Insurance Program (MRMIP) and sets the premiums at 120 percent of the MRMIP premium. Allows individuals to remain in MRMIP for only 36 months, and allows them after that to obtain a policy from an insurer participating in the individual market that is the same as the standard MRMIP policy at a premium of 120 percent of the MRMIP premium.

Health Facilities

SB 842 (Speier) – Grants a five-year extension of the January 1, 2008, hospital seismic-safety standards deadline to acute-care hospitals if certain conditions are met.

SB 928 (Dunn) – Enacts the Hospital Seismic Safety Bond Act of 2002 contingent upon approval from voters. **AB 1156 (Aroner)** establishes a framework for the act.

SB 1705 (Burton) – Permits an acupuncturist to determine disability for the purpose of worker's compensation or non-industrial disability.

AB 1461 (Aanestad) – Establishes procedures for creating a central reporting database to receive and analyze voluntary reports relating to medical events.

AB 2352 (Cedillo) – Expands the types of health facilities eligible to receive funding from the California Health Facilities Authority.

Health Information

AB 1958 (Bates) – Requires a provider of health care to disclose medical information if required by a coroner for identifying a deceased person or locating next of kin, or when investigating deaths that may involve public health concerns.

AB 2191 (Migden) – Prohibits a pharmaceutical company from requiring a patient, as a condition of receiving health services, including pharmaceuticals, medications, or prescription drugs, to sign an authorization permitting disclosure of medical information to the pharmaceutical company or its representative. Requires these entities to maintain, dispose of, and release medical information and records in a manner that preserves confidentiality. Prohibits pharmaceutical companies from disclosing medical information about a patient without authorization.

AB 2529 (Negrete McLeod) – Requires the director of the Department of Corrections to make treatment and testing for hepatitis C confidential and at no

cost to the inmate. Requires the director to provide comprehensive classroom or interactive hepatitis C education for all prisoners at intake, whether they test positive for the disease or not.

AB 2905 (Wright) – Requires HIV testing for inmates who enter state prison for sentences of at least one year. Requires testing within 60 days of entry to the facility, and again between 30 and 60 days prior to the expected discharge from the facility.

AB 2994 (Wright) – Requires DHS to submit to the Legislature by December 31, 2004, a report analyzing the results of any HIV-reporting system in the state that does not use names. This includes an evaluation of whether the systems have achieved compliance with criteria that will ensure continued federal funding under the federal Ryan White Comprehensive AIDS Resources Emergency Act. If the evaluation indicates a lack of compliance, effective no later than July 1, 2005, DHS would have to adopt regulations to bring the state into compliance to prevent the loss of federal funding.

Health Professionals

SB 564 (Speier) – Requires applicants for licensure as marriage and family therapists, licensed clinical social workers and psychologists to complete 15 hours of coursework in spousal or partner abuse assessment, detection, and intervention strategies.

SB 573 (Burton) – Authorizes dentists licensed to practice in other states who meet specified criteria to be issued a special permit to practice in community or non-profit clinics in California.

SB 993 (Figueroa) – Repeals provisions of existing law that prohibit certified nurse-midwives or nurse practitioners in solo practice from furnishing prescription drugs or devices.

SB 1907 (Murray) – Conforms California's law regulating physician referrals, and a corresponding section of California's workers' compensation law, to the federal law that regulates physician referrals. Permits physicians to provide services to entities to which they refer patients, provided specified safeguards are met.

SB 2059 (Figueroa) – Requires every licensing board within the Department of Consumer Affairs to establish a policy by January 1, 2004, for the disclosure of information about its licensees to the public. The information is to include information related to the qualifications, competency, functions, or duties of its licensees, unless the disclosure would violate a licensee's right to privacy under the California Constitution or due process of law.

AB 2064 (Cedillo) – Requires DHS to establish training programs for counselors for publicly funded HIV programs.

AB 2165 (Strom-Martin) – Changes the requirements for issuance of a pharmacy license, including a new requirement that an applicant pass the state Board of Pharmacy written exam before December 31, 2002, or pass the North American Pharmacist Licensure Examination and the Multi-State Pharmacy Jurisprudence Examination for California after January 1, 2003. Requires the

board to license a pharmacist who is licensed in another state if the pharmacist meets specified qualifications.

AB 2196 (Lowenthal) – Specifies that a person who is licensed to practice podiatric medicine may use the phrases “doctor of podiatric medicine,” “doctor of podiatry,” or the initials “D.P.M.,” without violating the Medical Practice Act.

AB 2935 (Strom-Martin) – Imposes a surcharge on pharmacists and pharmacies to fund a scholarship program for pharmacy school students and to repay the educational loans of pharmacists who agree to work in areas with an unmet priority need for primary-care family physicians.

Managed Care

SB 103 (Speier) – Broadens the continuity-of-care requirements that health plans must provide to an enrollee of a terminated provider, and would extend the length of coverage.

SB 458 (Escutia) – Provides that a health care service plan or managed care entity’s liability for its breach of duty to provide medically necessary health care services shall be determined in a court of law. Further provides that any prohibited waiver of a person’s rights under the statutory right to sue, shall also prohibit a contract requirement that the subscriber or enrollee waive his or her right to a jury trial through the use of a pre-dispute mandatory arbitration clause. The bill is not to affect the right of parties to voluntarily agree to arbitration.

SB 599 (Chesbro) – Requires health care service plans to provide coverage for substance-use disorders on the same basis as they provide coverage for any other medical care.

SB 686 (Ortiz) – Changes the way the state Department of Managed Health Care (DMHC) calculates administrative assessments on health care service plans. Eliminates the statutory assessment schedule for specialized plans and, instead, requires the director to adopt a new schedule that equitably apportions DMHC’s cost in regulating the specialized plans.

SB 1092 (Sher) – Defines “grievance” for purposes of the Knox-Keene Health Care Service Plan Act of 1975.

SB 1411 (Speier) – Prohibits a health care service plan and a health insurer from imposing a co-payment or deductible for hospital maternity services that exceeds the amount typically imposed for other services.

SB 1461 (Speier) – Creates an office in DMHC to regulate consumer discount health care programs. Requires DMHC to staff a toll-free telephone number to provide information to consumers and collect complaints about these programs.

SB 1531 (Speier) – Allows a Medicare beneficiary to obtain a Medicare supplement insurance policy on a guaranteed basis if the Medicare+Choice plan reduces its benefits, increases the cost-sharing amount, or discontinues a provider who has furnished services to the individual.

SB 1638 (Scott) – Requires that health care service plans and health insurers provide coverage, up to \$1,500, for hearing aids to all enrollees and subscribers under 18 years of age.

SB 1669 (Chesbro) – Declares that it is the intent of the Legislature to implement the Legislative Analyst's Office recommendations included in its report to the Legislature and DMHC regarding incentives for health care service plans to resume services in rural areas.

SB1758 (Figueroa) – Requires health care service plans and health insurers to apply all revenue or cost savings obtained as a result of participation in a prescription drug rebate program to reduce the amount of the premium and the co-payment and coinsurance obligations under the contract or policy.

SB 1877 (Johnson) – Repeals the sunset date on legislation permitting qualified associations to offer their members a health care service plan and to pass administrative savings on to small-business employers.

SB 1896 (Liu) – Requires health care service plan and health insurance contracts to be deemed to provide coverage for the screening and diagnosis of ovarian cancer.

SB 1912 (Committee on Insurance) – Amends the role of the Advisory Board to DMHC to offer advisory assistance to the Center for Medicare and Medicaid Services if needed to protect the safety of enrollees.

SB 1913 (Speier) – Requires DMHC and the Department of Insurance to maintain a joint working group to ensure clarity for health care consumers about who enforces their patients' rights and to ensure that department regulations are as consistent as possible with each other.

SB 2033 (Speier) – Requires health care service plans to provide their contracted basic and comprehensive emergency room hospitals with a list of the names of physician specialists who have contracted to provide on-call emergency room services to each hospital 24 hours a day, seven days a week.

AB 684 (Kehoe) – Requires medical groups that contract with HMOs to prepare annual financial statements. Allows DMHC to collect and disclose medical group finances.

AB 1282 (Cardoza) – Extends the geographic accessibility standard for a commercial health care service plan in counties with a population of less than 500,000 or with less than two plans. Requires each plan to demonstrate that a comprehensive range of primary, specialty, institutional and ancillary services are readily available at reasonable times to all enrollees throughout the plan's designated geographic service area.

AB 1522 (Thomson) – Requires health plans/insurers to give notice of a contract termination 45 days prior to the termination and broadens the ability of enrollees to be able to receive continuity of care from a terminated provider.

AB 1600 (Keeley) – Permits health care providers and health plans to agree to negotiate any contract term or condition upon renewal of a contract or during the contract term, if there is no provision for renegotiation.

AB 1795 (Reyes) – Establishes deadlines for health plans to contest claims for reimbursement.

AB 1853 (Koretz) – Requires every health care service plan that covers hospital, medical, or surgical expenses, and contracts with providers on a capitation basis, to consider specified factors in developing reimbursement rates for providers and primary care case management programs treating HIV-infected enrollees.

AB 1996 (Thomson) – Establishes the Consumer Health Care Benefits Commission to review proposed legislation that expands health benefits and requires the commission to assess the social, medical, and financial impact of proposed mandated benefits. Includes impacts of coverage on health care costs and the California Public Employees' Retirement System, Medi-Cal and Healthy Families.

AB 2052 (Goldberg) – Prohibits a group health plan from changing premium rates or applicable co-payments or deductibles for the length of a contract after the group contract holder has accepted the contract, after the start of the employer's annual open enrollment period, and after a premium has been paid for the first month of coverage.

AB 2085 (Corbett) – Requires every health care service plan with a Web site to provide an online form through its Web site that subscribers or enrollees can use to file a grievance online.

AB 2179 (Cohn) – Requires DMHC to set standards establishing time periods when a request for service must be provided by a health care service plan.

AB 2739 (Chan) – Requires managed care plans contracting with the Medi-Cal program and the Healthy Families program to implement plans to provide culturally and linguistically appropriate services to recipients.

AB 2907 (Thomson) – Prohibits a contract between a health care service plan and a physician from (1) allowing the plan to unilaterally change the terms of the contract or rate of payment for services, (2) requiring a physician to accept additional patients, if the physician believes it would endanger patient care, and (3) failing to fully disclose the rate of payment for services.

Medi-Cal

SB 859 (Ortiz) – Requires DHS to begin to provide Medi-Cal beneficiaries with disease-management services by January 1, 2003, and to report to the Legislature on the effectiveness of the programs.

SB 1413 (Chesbro) – Replaces the Medicare Economic Index with the medical care component of the California Consumer Price Index for the purpose of adjusting Medi-Cal reimbursement rates for federally qualified health centers and rural health centers.

SB 1418 (Johannessen) – Requires DHS to approve or deny a provider's application for enrollment or certification as a Medi-Cal provider within 120 days after DHS receives a completed application. Requires that if the DHS fails to comply with the 120-day requirement that DHS shall issue the provider a provisional Medi-Cal number. Requires that DHS notify an applicant if the

application is incomplete and include in the notice the additional information or documentation that is needed to complete the application.

SB 1426 (Romero) – Requires DHS to include any drug approved for the treatment of Alzheimer’s disease by the federal Food and Drug Administration on the Medi-Cal list of contract drugs if the manufacturer has executed a contract with the Centers for Medicare and Medicaid Services.

SB 1644 (Poochigian and Monteith) – In addition to other factors, requires DHS to consider the percentage of Medi-Cal population in a community when deciding upon the reimbursement levels for physician and dentists.

SB 1699 (Ortiz) – Authorizes DHS to suspend or deny payments in any health care program to providers who have committed fraud in any other department-administered program.

SB 1767 (Perata) – Requires DHS to undertake efforts to allow for medically needy Medi-Cal eligibles, who have a share of cost, to voluntarily enroll in managed health care plans and primary-care case management. Requires DHS to inform these individuals about their right to enroll in managed care.

SB 1971 (Polanco) – Requires DHS, in conjunction with the Managed Risk Medical Insurance Board, to develop a single-page application form for coverage under the Healthy Families program. Includes specific requirements for the form intended to maintain its confidentiality, and authorizes it to be produced in several languages.

AB 969 (Chan) – Requires the state Health and Human Services Agency to submit a report to the Legislature by January 1, 2003, on the feasibility of adopting a pilot project for a sliding-scale system of universal eligibility for In-Home Supporting Services.

AB 1423 (Thomson) – Includes services by licensed marriage and family therapists and licensed clinical social workers within the scope of Medi-Cal covered benefits, to the extent that federal matching funds are provided for those services.

AB 1806 (Richman) – Requires DHS to exercise its option under federal law to expand eligibility for Medi-Cal by maximizing to the fullest extent possible the amount of income and resources that medically needy individuals are allowed to retain.

AB 1807 (Richman) – Makes certain children eligible for Medi-Cal and the Healthy Families program. Requires DHS to develop a one-page joint application for Medi-Cal and HFP benefits.

AB 1914 (Kehoe) – Provides that hearing aids are a covered Medi-Cal benefit only after specified examinations and evaluations are completed and only when the hearing aid is supplied by a hearing-aid dispenser on prescription of an otolaryngologist, with some exceptions. Only one hearing aid assessment within a 12-month period would be covered.

AB 2010 (Richman) – Requires DHS to develop a consolidated application form that would enable a clinic to apply simultaneously for a license and a Medi-Cal provider identification number.

AB 2197 (Koretz) – Establishes the Medi-Cal Managed Care Benefits Program for Non-disabled Persons with HIV, a statewide program to expand eligibility for Medi-Cal benefits. It excludes prescription drug benefits provided by the AIDS Drug Assistance Program (ADAP) to persons with HIV who are enrolled in ADAP and who are not disabled, but who, if disabled, would qualify for Medi-Cal benefits.

AB 2364 (Negrete McLeod) – Requires a one-year study to develop methods of simplifying the administration of the Medi-Cal program.

Medical Research

SB 646 (Ortiz) – Requires DHS to study the feasibility, efficacy, and cost of establishing a state registry listing, to the extent possible, all cancer clinical research trials in operation in California.

SB 689 (Ortiz) – Creates the Prostate Cancer Research Project Act, which would require the DHS to establish a prostate cancer research treatment project. Among other things, it would provide a comprehensive classification of prostate tumors and specialized drug treatment for prostate cancer.

SB 1230 (Alpert) – Makes the temporary ban on human cloning, due to expire on January 1, 2003, permanent and extends the ban to human reproductive cloning. Creates a committee to advise the Legislature and the governor on human cloning and related human biotechnology issues, and to report on its activities on December 31, 2003, and yearly thereafter.

SB 1272 (Ortiz) – Declares that state policy shall be that research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, and human adult stem cells, including somatic cell nuclear transplants, shall be permitted and that full consideration of the ethical and medical implications of this research be given.

SCR 55 (Ortiz) – Establishes a panel to advise the Legislature on stem cell research.

AB 2328 (Wayne) – Permits informed consent required for medical experimentation to be given by surrogate decision-makers for incapacitated individuals.

Prescription Drugs

SB 1278 (Speier) – Repeals a sunset provision of law that requires pharmacies to charge Medicare patients no more than the Medi-Cal reimbursement rate for prescription drugs plus a small administrative fee.

SB 1315 (Sher) – Requires the governor to designate a central purchasing agency for bulk purchasing of pharmaceuticals.

SB 1727 (Soto) – Creates a Technical Advisory Committee for Prescription Drug Assistance in the California Health and Human Services Agency, and establishes the Patient Prescription Drug Assistance Program in the California Department of Aging. Requires the advisory committee to develop an Internet site regarding the best therapeutic and cost-effective utilization of pharmaceuticals. Requires a

toll-free telephone hot line for linking low-income Californians who lack prescription drug coverage with drug companies that offer drug assistance programs.

AB 2655 (Matthews) – Extends the sunset date for the Controlled Substance Utilization Review and Evaluation System program from July 1, 2003 to July 1, 2006. Provides that a practitioner or pharmacist may make a written request for the history of controlled substances dispensed to an individual under their care based on data contained in CURES to prevent the improper or illegal use of controlled substances.

Tobacco Settlement Funds

SB 35 (Escutia) – Creates the Tobacco Settlement Fund, and specifies that all funds received pursuant to the tobacco litigation Master Settlement Agreement of November 23, 1998, shall be deposited in that fund. Specifies that, upon appropriation by the Legislature, the fund shall be used for health and tobacco-cessation purposes.

AB 1527 (Frommer) – Establishes the Tobacco Settlement Investment Fund Task Force to analyze how the state can mitigate the risk of substantial losses in revenues paid to the state pursuant to the Master Tobacco Settlement Agreement.

Women's Health

SB 224 (Speier) – Creates the California Breast and Cervical Cancer Treatment Program for uninsured or underinsured persons with family incomes up to 250 percent of the federal poverty level.

SB 1301 (Kuehl) – Deletes various statutory provisions regarding abortion and enacts in their place the Reproductive Privacy Act. Provides, among other things, that every individual possesses a fundamental right of privacy with respect to reproductive decisions, and the state shall not deny or interfere with a woman's right to choose an abortion prior to viability of the fetus, as defined in the act.

AB 130 (Cardenas) – Renames the State-Only Family Planning Program, includes additional services and beneficiaries in the program, and requires review of grievances and complaints in a specified manner.

AB 1154 (Bates) – Expands the services of the existing Breast Cancer Control Program to include cervical-cancer detection services, renames the program the California Breast and Cervical Cancer Program, and requires certain breast cancer-related services to be provided to women under 39 years of age.

AB 1860 (Migden) – Requires that female victims of sexual assault receive information regarding emergency contraception. Provides that the cost shall be borne by either the private insurance of the victim or the public assistance to which the victim is entitled, or both.

AB 2930 (Wright) – Requires that blood specimens obtained from pregnant women for Rhesus blood type testing and testing for hepatitis B also be tested for the presence of HIV. Once the tests are conducted and received, the medical provider must ensure that the woman receives appropriate information and counseling to explain the results and the implications to the mother and the infant, including any follow-up care that is indicated.

HEALTH

Mental Health

SB 414 (Perata) – States the intent of the Legislature to create a program within the state Department of Mental Health (DMH), to the extent that funding is available, to award grants for dual-diagnosis treatment programs for persons diagnosed with the co-occurring disorders of mental illness and substance abuse.

SB 564 (Speier) – Requires applicants for licensure as psychologists, social workers or marriage, family, and child counselors who begin graduate study after December 31, 2003, to complete a minimum of 15 contact hours of coursework in spousal or partner abuse assessment, detection, and intervention strategies. Requires continuing education coursework in those strategies for those who began graduate study before January 1, 2004, the date the bill becomes operative.

SB 643 (Ortiz) – Requires counties to be reimbursed for meeting specified requirements for the excess cost of providing more effective psychotropic medications to inmates in county correctional facilities during incarceration and after release.

SB 801 (Speier) – Imposes several requirements aimed at eliminating or substantially reducing medication-related errors in health facilities. **Signed – Chapter 15/Statutes of 2002.**

SB 931 (Burton) – Requires DMH to award grants to counties for improving, expanding, and coordinating comprehensive treatment services to persons who are involuntarily committed to mental-health facilities. Requires the department to establish consistent data-reporting requirements regarding the involuntary treatment of persons with mental illness. Requires the department to provide the Legislature with a preliminary report on the effectiveness of the program by March 1, 2003, and a final report by March 1, 2006.

SB 979 (Machado) – Makes exceptions to the law that prohibits providers of health care to release medical information if it relates to a patient's participation in outpatient treatment with a psychotherapist.

SB 1096 (Ortiz) – Requires the secretary of the California Health and Human Services Agency to contract for an independent study to determine various factors relating to providing health care for children with disabilities.

SB 1289 (Haynes) – Requires the state Department of Education to study the use of psychotropic medications in kindergarten through 6th grade.

SB 1290 (Haynes) – Requires a physician to obtain a properly signed informed consent from a child's parent or legal guardian before prescribing, dispensing, or furnishing a psychotropic drug to a child for the treatment of attention deficit/hyperactivity disorder. Requires the consent form to include information prepared by the DMH concerning effects of the psychotropic drugs.

SB 1315 (Sher) – Requires the Department of General Services to execute prescription-drug-purchasing agreements with certain state entities that purchase pharmaceuticals.

SB 1404 (Chesbro) – Requires DMH to ensure that each patient at a state hospital has the opportunity to participate in a self-help group.

SB 1448 (Chesbro, Peralta, Romero, Scott) – Requires DMH, in coordination with other state entities and a task force, to inventory all materials necessary to create the most complete record of persons who have died while residing at state hospitals and developmental centers.

SB 1537 (Polanco) – Expresses legislative intent to support county efforts to provide needed treatment services for probationers and parolees.

SB 1654 (Burton) – Establishes the Office of Homelessness within the Governor's Office to coordinate the efficient use of state resources to improve the management and oversight of all state homeless programs and make annual recommendations to the governor and the Legislature.

SB 1911 (Ortiz) – Requires DMH to establish, no later than March 1, 2003, a task force to identify barriers to accessing mental health care for children who are covered by private health insurance.

SR 31 (Chesbro) – Directs the Senate Select Committee on Developmental Disabilities and Mental Health to conduct hearings into California's standards on the use of seclusion and restraints, oversight and reporting practices, physical harm and traumas caused by seclusion and restraints, and the best practices developed by other states for reducing their use.

AB 1421 (Thomson) – Creates an assisted outpatient treatment program for adults suffering from a psychotic disorder or other mental illness that puts them at high risk for poor outcomes, as specified. The program involves delivery of community-based care by multidisciplinary teams of highly trained mental health professionals with staff-to-client ratios of not more than 1 to 10.

AB 1422 (Thomson) – Expresses the intent of the Legislature to create a commission to improve access to mental health care, promote preventive mental health policies, reduce stigma and discrimination associated with mental illness, and evaluate and report to the governor and Legislature on progress toward attaining these goals.

AB 1425 (Thomson) – Exempts specified independent living arrangements for persons with disabilities from community-care licensing requirements.

AB 1454 (Thomson) – Requires DMH to submit fingerprint images and other information to the Department of Justice for background checks on any person operating, managing or providing direct services in a facility applying for licensure or renewal of a license to provide mental health services.

AB 1832 (Pacheco) – Provides that invocation of the psychotherapist-patient privilege does not preclude a county social worker or juvenile court from obtaining information regarding the child from any psychotherapist who is providing court-ordered psychotherapy.

AB 2057 (Steinberg) – Authorizes DMH, subject to approval of the Department of Finance, to increase funding for any county that can demonstrate it is reducing state costs for prisons, health care or other programs based on reducing caseloads below projected levels.

AB 2263 (Kehoe) – Requires the Judicial Council to study the effectiveness of Kids' Turn projects, which assist children and their families while the parents obtain divorces or legal separations. Provides \$50,000 if the Judicial Council receives matching funds from private sources.

AB 2296 (Simitian) – Requires DMH, in consultation with state and local agencies and providers of mental health services, to examine the accounting and reporting requirements for various mental health programs and simplify these requirements to the extent possible.

AB 2542 (Jackson) – Increases reimbursements for outpatient mental health counseling for relatives of murder victims and for victims of sex crimes.

AB 2551 (Nation) – Provide that, for purposes of continuing treatment of a transferring enrollee, a health care service plan may require a non-participating mental health provider to enter into a standard mental health provider contract.

AB 2740 (Chan) – Requires DMH to convene an interagency working group to develop a state mental health plan for children. This bill would require each county to develop a plan to identify and address children's mental health services that are needed in that county, in order to qualify for funding from the system of care grant.

AB 2741 (Chan) – Creates the Children's School Readiness and Health Council in the California Health and Human Services Agency, with the responsibility to, among other things, develop and recommend a uniform policy to address the full range of services necessary to appropriately treat children.

HEALTH

Public Health

Priorities reflected in bills introduced in the second half of the 2001-02 legislative session include controlling access of minors to dietary supplements, increasing funding for bioterrorism and public health preparedness, establishing programs to improve management of chronic diseases, expanding school-based health services and activities, and controlling youth access to tobacco products.

Dietary Supplements

SB 397 (Speier) – Prohibits the sale or distribution of any dietary supplement product containing ephedrine group alkaloids unless the product meets specified requirements. Requires product labels and advertising materials for dietary supplement products containing ephedrine group alkaloids to include specified information and warnings. Requires retailers who sell dietary supplements containing ephedrine group alkaloids to keep these products behind the counter or in a locked container.

SB 1750 (Speier) – Prohibits the sale of dietary supplements containing ephedrine group alkaloids, creatine, pregnenolone, dehydroepiandrosterone, or androstenedione to a person under 18 years of age and requires that sellers request identification for buyers who reasonably appear to be younger than 18. Prohibits the sale of these dietary supplements unless the product label includes specified warning information and a toll-free number for consumer reports of adverse health effects.

SB 1948 (Figueroa) – Requires warning labels to be clear and conspicuous on products defined as dietary supplements under federal law that are manufactured or distributed in the state. Requires that any printed advertisement for a product labeled in accordance with the bill shall include a clear and conspicuous warning consistent with the warning label.

Bioterrorism and Public Health Improvements

SB 406 (Ortiz) – Requires the Department of Health Services (DHS), subject to appropriation of funds, to establish by January 1, 2003, reasonable capacities for disease control and surveillance that are appropriate for the department and local health departments and the personnel or work forces of those departments.

SB 616 (Chesbro) – Finds it in the public interest that public laboratories be staffed by competent and well-trained scientists and finds it necessary to develop greater capacity in California to prepare and attract qualified microbiologists. Declares current local training programs inadequate to meet federal standards or to meet the projected need for the state.

SB 1298 (Ortiz) – Updates and clarifies the role of local health jurisdictions throughout the state that protect the public from the spread of disease from both natural and intentional (terrorist) health threats.

SB 1260 (Escutia) – Requires the Children’s Environmental Health Center, in collaboration with DHS, within the California Environmental Protection Agency, to collect up-to-date information on preparing for a biological or chemical terrorist attack, coordinate preparatory efforts to protect children in the event of such an attack, and, if an attack occurs, ensure that children receive health care tailored to the unique needs of children.

AB 1763 (Richman) – Establishes the Public Health Emergency Powers Commission to advise the Legislature and governor on public health emergency issues. Requires the commission, within six months of its appointment, to submit to the governor and Legislature a report with any recommendations for revising laws, regulations, and ordinances on public health emergencies and a public health emergency plan for responding to an emergency.

AB 2067 (Nakano) – Requires DHS, in consultation with the Office of Emergency Services, to establish a program to oversee the distribution of potassium iodide tablets to all persons who reside, work, or attend school within a 10-mile radius of an operational nuclear power plant.

Diet and Nutrition

SB 1610 (Bowen) – Requires that the packaging of certain foods, including dietary supplements, include information on the amount of trans-fatty acids present in the foods.

Disease Management

SB 336 (Ortiz) – Requires DHS to develop timelines for implementing the state plan for Hepatitis C.

SB 646 (Ortiz) – Requires DHS to determine the feasibility, efficacy, and cost of establishing a state registry listing, to the extent possible, of all cancer clinical research trials in operation in California.

SB 689 (Ortiz) – Requires DHS to establish a prostate cancer research treatment project to provide, among other things, comprehensive classification of prostate tumors and specialized drug treatment for prostate cancer.

SB 859 (Ortiz) – Declares the policy of the state to provide and encourage disease-management programs. Requires DHS to implement the policy by providing Medi-Cal participants with disease-management services.

SB 843 (Perata) – Requires DHS, the Department of Corrections, and the Board of Corrections to develop plans to control and prevent tuberculosis.

SB 2040 (McPherson) – Establishes the Arthritis Prevention and Control Act to promote public awareness, education and appropriate treatment for persons with arthritis.

SB 2043 (Bowen) – Requires DHS to study the extent to which the use of antimicrobial drugs in agricultural animals may lead to the development of antimicrobial-resistant disease in humans.

SB 2047 (Machado) – Requires establishment of a chronic disease education and prevention advisory council to help establish health program priorities.

AB 42 (Wayne) – Establishes the Colorectal Cancer Screening and Treatment Program in DHS to provide screening, medical referral, diagnosis, treatment, outreach and education services.

AB 1843 (Robert Pacheco) – Requires DHS to establish and administer the Pancreatic Cancer Research and Education Project Act to award grants to qualifying entities for pancreatic cancer research and education.

AB 2064 (Cedillo) – Requires DHS to authorize the establishment of training programs throughout the state for counselors for publicly funded HIV-testing programs, and requires the training programs to be conducted by community-based, nonprofit organizations with demonstrated expertise in providing free, anonymous or confidential HIV-testing services.

AB 2930 (Wright) – Requires blood specimens obtained from pregnant patients pursuant to existing law to be tested for HIV, and requires the attending provider to ensure that the women are informed of the intent to perform a test for HIV and of their right to refuse this testing.

AB 2994 (Wright) – Requires DHS, in consultation with key stakeholders, to report to the Legislature by December 31, 2004, on results of systems of reporting HIV infection in effect in California that do not utilize names, and whether the systems analyzed have achieved compliance with federal criteria.

School-Based Health

SB 21 (Escutia) – Requires DHS and school districts to identify lead hazards present in public schools, draw up abatement plans for those hazards and carry out necessary abatement or control.

SB 391 (McPherson) – Requires every county office of education to employ a credentialed school nurse, creates the Tobacco Settlement Fund, and appropriates \$4 million from this fund to pay for school nurses.

SB 606 (Vasconcellos) – Requires a school nurse or other authorized person to screen all children for eye tracking and fixation, focusing, and eye-teaming, in addition to the vision examination required by current law for children upon enrollment in a California elementary school.

AB 182 (Vargas) – Effective July 1, 2003, adds hepatitis A to the list of diseases for which children entering kindergarten must be immunized.

AB 1096 (Wright) – Establishes a three-year pilot program to provide comprehensive vision-screening exams to pupils.

AB 1905 (Longville) – Requires the governing board of a school district to screen pupils for risk of developing Type 2 Diabetes Mellitus.

AB 2532 (Rod Pacheco) – Requires the state Board of Education, by July 1, 2003, to develop and distribute to school districts a voluntary survey to determine whether, and in what way, the school districts have addressed the issue of backpack weight in relation to pupil health. Requires the board to provide recommendations, based on the survey, to school districts on creative and cost-effective options to reduce excessive backpack weight.

SB 1964 (Alpert) – Makes it unlawful to sell any product containing a substance banned by the National Collegiate Athletic Association to any person under the age of 18.

Drinking Water

SB 460 (Scott) – Requires DHS, in conjunction with the State Water Resources Control Board, to investigate various technologies that remove chromium VI from drinking water and conduct various testing models that appear to be promising technologies to remove chromium VI from the drinking water supply.

Other Public Health Measures

SB 187 (Vasconcellos) – Requires DHS to establish a voluntary program for the issuance of registry identification cards to qualified patients and establishes procedures under which a qualified patient with a registry identification card may use marijuana for medical purposes.

SB 620 (Ortiz) – Requires the Department of Mental Health to develop a comprehensive statewide plan for the prevention of suicide.

SB 1748 (Polanco) – Requires DHS's Office of Binational Border Health to create a Web site describing the health status of migrants of Mexican origin.

SB 1726 (Vasconcellos) – Imposes requirements on the construction of public and private pools and spas to prevent serious injuries or deaths from entrapment in drains.

SB 1734 (Vasconcellos) – Prohibits prosecution of specified individuals for the distribution of devices or substances necessary to ensure the safety and cleanliness of needles or syringes.

AB 573 (Canciamilla) – Requires the Department of Pesticide Regulation, when it is considering the cancellation or suspension of registration of a vector control pesticide because mandatory health effects studies are not available, to first consult with DHS.

Housing, Homelessness, and Urban Growth

Please also see “Housing,” page 3, in the “Aging and Long-Term Care” section and “Veterans Homes,” page 123, in the “Veterans” section.

Housing costs increased at an average annual rate of 7.5 percent between 1969 and 1999, creating a circumstance where homeownership cost burdens in California are consistently 2 to 5 percentage points higher than for residents of comparable metropolitan areas outside the state, according to the University of California’s California Policy Research Center.

As of October 2000, only 30 percent of households could afford the median-priced homes in the areas where they live. Further, in 1995, the typical renter in California was paying one-third of his or her income for rent, compared to 28 percent among renters nationwide. More than one-half of low-income renters in California pay more than 50 percent of their incomes for rent.

The Legislature’s principal accomplishment addressing these problems this year has been **SB 1227 (Burton), Chapter 26/Statutes of 2002**, a \$2.1 billion general obligation bond for state housing programs. The bill places the bond issue on the November 2002 ballot for voter approval.

Specifically, SB 1227 would allocate the bond proceeds as follows:

- \$910 million for multifamily housing, including preservation, supportive services, local housing trust funds, and low-income University of California and California State University student housing – requiring the state Department of Housing and Community Development (HCD) to provide priority points for in-fill projects built close to rail transit, job centers, and other urban amenities.
- \$195 million for emergency housing and assistance.
- \$195 million for supportive housing.
- \$200 million for farm worker housing.
- \$205 million for the CalHome Program, including the Building and Equity and Growth in Neighborhoods Program, exterior modifications for low-income disabled renters, and self-help housing construction management.
- \$5 million to be used for capital expenditures in support of local code enforcement and compliance programs.
- \$290 million for the California Homebuyer Downpayment Assistance Program, including the School Facility Fee Affordable Housing Program, the California Housing Loan Insurance Fund, housing downpayment assistance for teachers who work in low-performing schools, and downpayment

assistance to low-income first-time homebuyers who have received homeownership counseling and purchase homes in a community revitalization area.

- \$100 million for the Jobs-Housing Improvement Account for capital grants to local governments that increase housing.

Affordable Housing

SB 369 (Dunn) – Restored local governments’ ability to issue tax-exempt mortgage revenue bonds for affordable housing. **Signed – Chapter 12/Statutes of 2002**

SB 372 (Dunn) – Establishes two programs to provide short-term capital to preserve existing affordable rental housing that might otherwise convert to market rate housing, using \$50 million proposed to the voters in **SB 1227 (Burton), Chapter 26/Statutes of 2002**. The two programs are:

- The Preservation Opportunity Program, to be administered by the California Housing Finance Agency to provide loans in conjunction with the existing Preservation Acquisition Program to preserve affordable housing developments; and
- The Interim Positioning Program, to be administered by HCD, which would require a single non-profit entity – selected through a competitive process – to leverage state funds with private capital on at least a three-to-one basis to make short-term loans for preserving affordable housing developments.

SB 701 (Torlakson) – Existing law requires a redevelopment agency to use its Low and Moderate Income Housing Fund to increase, improve, and preserve the supply of low- and moderate-income housing, which is defined to include the preservation of certain units for a specified period of time. This bill, instead, would require those units to be preserved for the longest feasible time, but not less than 55 years. The bill also would require San Diego area local governments to receive HCD certification of their general plan housing elements.

SB 972 (Costa) – Exempts privately owned affordable housing projects with some public funding from prevailing wage requirements in certain narrow circumstances.

SB 1460 (Ortiz) – Enlarges the Capitol Area Plan project area in Sacramento to include an area referred to as the R Street Area. The bill would also require the Capitol Area Development Authority to follow the same affordable-housing rules as other redevelopment agencies.

SB 1509 (Dunn) – Reduces a local government’s Educational Revenue Augmentation Fund or “ERAF” (local property-tax revenues earmarked for state school funds) contribution by an amount equal to the local government’s share of the property tax lost due to new tax-exempt low-income housing.

SB 1635 (Figueroa) – Makes the sale of surplus residential property from the Highway 238 project in the Hayward area subject to the same affordability requirements as other sales of surplus residential property by removing the requirement that it be sold at fair market value.

SB 1821 (Dunn) – Requires owners of some subsidized affordable housing to give tenants notice prior to the expiration of subsidy agreements. Prohibits the owner from selling the property if it would result in the expiration of low-income use restrictions, unless local government and nonprofits have been given an opportunity to purchase the property. The bill also repeals a maximum of \$2.25 billion in revenue bonds that a city or county may issue for the financing of multifamily rental housing.

AB 930 (Keeley) – Removes the CalHome Program's home-price limits for housing rehabilitation projects. Also requires HCD to use its best efforts to make a reasonable geographic distribution of funds.

AB 1008 (Lowenthal) – Conforms state code enforcement grant provisions with **SB 1227 (Burton), Chapter 26/Statutes of 2002**.

AB 1170 (Firebaugh) – Creates the Building Equity and Growth in Neighborhoods (BEGIN) program to make grants to local governments for downpayment loans to qualifying new homebuyers in communities that have taken prescribed actions to remove affordable-housing barriers. The bill specifies that its provisions take effect only if the voters pass the housing bond measure, **SB 1227 (Burton), Chapter 26/Statutes of 2002**, in November 2002.

AB 1891 (Diaz) – Establishes a matching grant program to local governments to provide additional resources for existing and new local housing trust funds that are dedicated to the creation of rental housing affordable to lower-income households. The bill takes effect only if the voters approved **SB 1227 (Burton), Chapter 26/Statutes of 2002** in November 2002.

AB 2158 (Lowenthal) – Requires the Coastal Commission to ensure that coastal-development permit requirements relating to affordable housing are enforced and do not expire during the term of the permit.

Disabled Persons' Housing

According to the California Center for Independent Living Centers, 97.8 percent of all housing in the United States is designed for the able-bodied – even though most of us will require some accommodations for disabilities during our lifetimes. “Universal design” provides greater access to persons with disabilities and allows an aging population to live longer in their homes.

AB 2787 (Aroner) – Requires HCD to develop guidelines and at least one model ordinance for new construction and home modifications consistent with principles of universal design. The guidelines or model ordinance shall not significantly impact housing cost or affordability.

Homelessness

SB 64 (Chesbro) – Requires the Office of Criminal Justice Planning to conduct a coordinated evaluation of programs serving runaway and homeless youth.

SB 1654 (Burton) – Establishes the Office of Homelessness in the Governor's Office to coordinate the efficient use of the resources of the approximately 75 state programs that provide some type of service to the homeless or those at risk of becoming homeless.

SB 1751 (Burton) – Requires counties to report to the Department of Health Services on the number of homeless individuals who died during the previous calendar year. The report, to be given by the department to the Legislature and governor, must include their age, gender, and cause and date of death.

AB 748 (Chavez) – Appropriates \$75,000 from the state General Fund to the Department of Veterans Affairs to study the housing and support needs of homeless veterans in California.

AB 1354 (Rod Pacheco) – Clarifies that a provider of emergency shelter or transitional housing may restrict occupancy to individuals 24 years old and younger. **Signed – Chapter 46/Statutes of 2002.**

AB 2057 (Steinberg) – Permits the Department of Mental Health to increase funding to counties that demonstrate that their grant programs for mentally ill homeless adults are resulting in state cost-reductions for prisons, health care or other programs.

AB 2899 (Migden) – Creates the Homeless Court Pilot Project in Los Angeles, Sacramento, and San Francisco counties to combine plea bargaining with alternative sentencing. The bill provides that a homeless court, together with the prosecutor and defense attorneys, shall conduct outreach into the community by sponsoring special court sessions to address the cases and problems of homeless people accused of crimes.

AB 2972 (Aroner) – Creates an exception to the prohibition against age discrimination by allowing age restrictions for 18-to-24-year-old homeless housing.

Jobs-Housing Balance and “Smart Growth”

SB 262 (Dunn) – Under existing law, a local government must submit a draft housing element of its general plan to HCD for a determination of whether the draft complies with state law. In an action brought by any party to review the conformity of a housing element with applicable state law, a court review extends to whether the housing element substantially complies with the law. This bill authorizes a court, on a finding that there is not substantial compliance, to award the plaintiff reasonable attorney’s fees and costs and require the court to levy a penalty not to exceed specified amounts based on the population of the city or county. The bill provides that all penalties go to the Housing Supply Account, which the bill creates.

SB 423 (Torlakson) – Establishes the Workforce Housing Reward Program to provide local assistance to cities and counties that provide land-use approval to affordable housing developments. The bill would become operative only if the voters pass **SB 1227 (Burton), Chapter 26/Statutes of 2002** in November 2002.

SB 910 (Dunn) – Modifies state housing-element law to try to make estimates of state and regional housing needs more realistic, and give local governments more certainty and flexibility in meeting the needs. Requires local governments to implement all the programs in their housing elements by the dates they have specified, and provides for penalties to local governments that fail to comply with the housing-element law.

SB 1521 (Kuehl) – Requires the Governor’s Office of Planning and Research to develop model planning practices and policies that emphasize land-use policies that are economically, socially, and environmentally responsible. These practices and policies must be developed with the Planning Advisory and Assistance Council, an advisory body of local and tribal officials. Beginning January 1, 2005, any city or county that adopts practices and policies deemed to be substantially similar to those established by the governor’s office will receive priority eligibility for competitive state grants.

SB 1684 (Polanco) – Extends the law that gives redevelopment agencies cleanup authority, provides immunity from liability if a cleanup is carried out properly, and allows recovery of costs from responsible parties.

SB 1721 (Soto) – Prohibits local governments from denying permits for farmworker housing that is affordable to low- and moderate-income households without making written findings based upon substantial evidence, and from using design-review standards to deny a housing development for low- or moderate-income households.

SB 1925 (Sher) – Allows more residential in-fill development and affordable housing. The bill revises the California Environmental Quality Act exemption for affordable-housing projects of up to 50 units.

AB 680 (Steinberg) – Enacts the Sacramento Regional Smart Growth Act of 2002 and reallocates new local sales-tax revenues within the greater Sacramento region on the following basis:

- One-third using the existing method based on where the tax is generated.
- One-third based on the counties and cities’ relative populations.
- One-third based on the standard situs method, except for counties and cities that are “not housing eligible,” in which case, revenues that would have gone to those counties and cities go instead to the Sacramento Area Council of Governments (SACOG). The bill requires SACOG to allocate these revenues to cities and counties to fund regional projects, including transit-oriented development, open-space acquisition, in-fill development, housing development, jobs-housing balance development, redevelopment projects, and mixed-use development.

A qualified county or qualified city is “housing eligible” if it has issued building permits for new construction where 5 percent of the units are affordable to low- or very low-income households, or adopted a mixed-income housing ordinance that assures at least 5 percent of the constructed units are affordable to very low-income households.

The bill becomes inoperative if all of the cities and counties in the greater Sacramento region enter a tax revenue-sharing agreement. The region includes El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba counties, excluding the Tahoe basin.

AB 924 (Wayne) – Allows a county and the cities in that county and contiguous cities to adopt a “cooperative general plan” in lieu of adopting their own individual general plans. A cooperative general plan must incorporate principles for livable communities, housing and transportation, resource conservation,

infrastructure investments, and farmland and forests. It may include tax-sharing agreements that balance the impacts and revenues from development.

AB 1086 (Calderon) – Requires expedited environmental review of urban residential in-fill projects.

AB 1866 (Wright) – Prohibits local governments from applying any development standard that would have the effect of precluding an affordable housing development from receiving a density bonus.

AB 2175 (Daucher) – Requires the Governor's Office of Planning and Research to include in its general plan guidelines recommendations for addressing human-services matters in local general plans. These guidelines must specifically address the siting of social service facilities.

AB 2292 (Dutra) – Requires every local government to ensure that its general plan's housing element can accommodate its share of regional housing needs. The bill prohibits a local government from reducing a parcel's residential density to a density below the density used to determine compliance with the housing element, unless the local government makes written findings supported by substantial evidence that:

- The reduction is consistent with the general plan, including the housing element;
- The reduction substantially complies with other laws, including residential zoning standards, density bonus requirements, the housing element's inventory of sites, and the housing element's program for identifying sites; and
- The remaining sites identified in the housing element are adequate to accommodate the regional share of housing needs.

If the reduction of a parcel's residential density would result in an inadequate number of remaining sites, the bill allows local government to reduce the parcel's density if the local government identifies sufficient additional, adequate and available sites with equal or greater residential density, so there is no net loss of residential unit capacity. If a court finds that the action of a local government violates these requirements, the bill requires the court to award the plaintiff reasonable attorney's fees and costs, except in extraordinary circumstances where the court finds that it would not further the law's purposes.

AB 2476 (Rod Pacheco) – Allows HCD to distribute funds for local, regional or interregional studies that address the impact of jobs-housing imbalance on transportation systems and develop strategies to promote greater balance. This has the effect of allowing HCD to disburse funds to projects involving a single local government rather than limiting grants to partnerships of two or more governments.

AB 2867 (Kehoe) – Authorizes a city and a school district to enter into a joint powers agreement for school siting. Under this approach, a city may adopt an ordinance that exempts school sites from state school-siting guidelines relating to size, configuration, and adjacency.

AB 2954 (Simitian) – Requires the land-use portion of a new or revised local general plan to address the distribution of child-care facilities.

AB 3053 (Assembly Environmental Safety Committee) – Establishes four pilot projects in redevelopment zones to determine what types of efficiencies may be possible if the investigation and cleanup of contaminated properties are handled on multiple parcels.

Landlord-Tenant Relations

SB 617 (Ortiz) – Provides tenants who have been subjected to notices of mass eviction with additional time to relocate and find suitable replacement housing. In those cases, the bill permits a court to stay the execution of a judgment in an unlawful detainer action for 90 days upon a showing of hardship, and provides that the court shall require the tenant to pay rent during the stay.

SB 1403 (Kuehl) – Seeks to provide long-term tenants with additional notice when their leases are terminated. The bill requires a property owner to serve a 60-day notice to terminate renting to a tenant who has lived in the dwelling unit for more than one year.

AB 2330 (Migden) – Redefines the limit on security deposits to include any charges imposed at the beginning of tenancy, except application screening fees, and would specifically include costs associated with processing a new tenant and cleaning the property. Requires a landlord to pay interest to the tenant on security, and defines ordinary wear and tear with regard to the application of security to repairs of the dwelling. Imposes on the landlord the burden of proving that a tenant is liable for damages beyond ordinary wear and tear. Changes the amount of statutory damages for certain violations from \$600 to twice the amount of the security.

Human Services

TANF and CalWORKs: Aid for Families

SB 1264 (Alpert) – Adds educational awards and scholarships to those payments that may be excluded as income or resources of the family for determining eligibility under the CalWORKs program. Also provides for exemptions from the work requirement of any dependent who graduates from high school before age eighteen.

AB 1947 (Washington) – Provides that an individual who has been convicted of a felony shall not be ineligible for aid under the CalWORKs program and the Food Stamp Program, as well as for General Assistance benefits, if he or she is enrolled in a drug-treatment program in accordance with the Substance Abuse and Crime Prevention Act of 2000.

AB 1652 (Goldberg) – Excludes payments for relocation assistance from a family's income and resources for purposes of eligibility and aid determination under the CalWORKs program.

AB 2116 (Aroner) – Extends the conditions by which a recipient of Temporary Assistance for Needy Families (TANF) would not lose one of his or her 60 months of eligibility for cash aid. These conditions would now include any month when the city or county has insufficient jobs to provide employment for those individuals required to participate in welfare-to-work activities.

AB 2386 (Keeley) – Provides, in exceptional cases, an extension of the current 18-month time period during which a person who has signed up for cash benefits under the TANF program must begin welfare-to-work activities.

Child Welfare and Foster Care

SB 900 (Ortiz) – The state has special rules for applicants for positions, licenses, and certification in law enforcement, in-home care, residential care, child day care, foster care, community care, banking, and others. These special rules detail what information should be disseminated concerning these applicants, according to the nature of the position, license, or certification sought. This bill consolidates much of the law regarding disclosures of criminal history for employment, licensing, and certification purposes.

SB 1312 (Peace) – Makes changes in the law regarding the child-abuse central index. When a government agency submits information to the Department of Justice for inclusion in the index, it must also notify the known or suspected child abuser that he or she is being reported. The bill establishes procedures for a hearing process, and authorizes the Department of Justice to charge a fee to a person or entity who requests information contained in the index.

SB 1677 (Alpert) – Clarifies existing law as it relates to surrogate parents and responsible adults who make educational decisions for the child. The bill requires the juvenile court to appoint a “responsible adult” to make education decisions after the court limits the right of the parent to make those decisions. The bill further provides for the appointment of a responsible person to represent the child’s education interests at significant stages throughout dependency proceedings. In addition, the bill requires appointment of a surrogate parent if the court has limited the right of the parent or guardian to make educational decisions for the child.

AB 886 (Simitian) – Requires appointment of a responsible adult to make educational decisions for wards and dependents of the court when those rights are removed from their parents or guardians.

AB 2294 (Liu) – Expands the duties of the state foster-care ombudsperson to require him or her to provide a report directly to the Legislature at least every two years regarding reports and complaints received by the office.

AB 2514 (Bates) – Requires the Department of Social Services, in consultation with the Department of Alcohol and Drug Programs, to establish a committee to study issues relating to substance abuse in families in child welfare programs. The committee is to submit a plan no later than January 1, 2004, to the Legislature and the governor.

AB 2651 (Chu) – Declares legislative intent and state policy regarding gay, lesbian, or trans-gendered youth who are in foster care, including training requirements for foster parents. The duties of the foster-care ombudsperson would include operating a toll-free hotline for youth in foster care.

Identity Theft and Privacy

Identity theft is the crime of fraudulently obtaining credit, loans, long-distance phone service, etc., in another person's name. Criminals accomplish this through means including assumption of identification, theft of identifying information such as Social Security numbers or personal identification numbers (PINs), and fraudulent changes of address. Often, the innocent party does not know that he or she has been the victim of fraud until he or she applies for credit and is denied.

Identity theft is No. 1 on the Federal Trade Commission's top 10 consumer-fraud complaints. According to a FTC report in January 2002, there were 15,115 identity theft victims in California in 2001. Of those cases, 6,234 involved credit card fraud, 3,523 were related to unauthorized phone or utility services, and 2,247 were related to bank fraud.

DMV and Driver's Licenses

AB 60 (Cedillo) – Allows persons who have submitted applications for lawful immigration status to apply for driver's licenses from the Department of Motor Vehicles (DMV). Requires all applications to contain Social Security numbers, but specifies that the Social Security numbers shall not be included on licenses, identification cards, registrations, certificates of title, or other DMV documents. Allows applicants without Social Security numbers to submit taxpayer identification numbers or other approved identifiers and to sign affidavits under penalty of perjury. Deletes the requirement that DMV verify the authenticity of documents submitted to confirm legal presence.

AB 1010 (Dutra) – Requires all DMV offices and the DMV Web site to offer information on government agencies, law enforcement agencies, and consumer organizations that identity theft victims.

AB 1155 (Dutra) – Makes it a felony for any government employee to knowingly, as part of a criminal conspiracy, give a false driver's license, identification card, vehicle registration, or other official DMV document to a person who is not entitled to it.

AB 1474 (Koretz) – Requires the DMV to create a fingerprint identification system, to be funded from the fees charged for driver's licenses and identification cards.

AB 1754 (Leslie) – Makes it a crime for a non-DMV employee, officer or consultant to conspire to obtain DMV documents to commit identity theft.

Other Identity Theft Measures

SB 1239 (Figueroa) – Requires every consumer credit-reporting agency, upon the request of a consumer, to provide a consumer with one copy of his or her credit report per year at no charge.

SB 1254 (Alpert) – Makes it a crime to acquire or possess personal identifying information with the intent to defraud. Expands the definition of “personal identifying information” to include, among other things, health insurance identification numbers, taxpayer identification numbers, school identification numbers, driver’s license numbers, checking account numbers, PINs or passwords, passport numbers, dates of birth, unique biometric data including fingerprints and retina images, and information contained in a birth or death certificate.

SB 1259 (Ackerman) – Makes it a crime to knowingly, willfully, and with the intent to defraud possess a scanner or reencoder, or use a scanner or reencoder to access, read, obtain, memorize or store information encoded on the magnetic strip of a payment card.

SB 1386 (Peace) – Requires any government agency or business that maintains a computerized data system that contains personal information to disclose any security breach immediately to any person whose personal information was or may have been accessed by an unauthorized person if the information disclosed could be used to commit identity theft. The bill provides that immediate disclosure is not required if it would impede an on-going law enforcement investigation, but disclosure is required once the investigation is no longer compromised.

SB 1541 (Ackerman) – Requires peace officers to order persons arrested for infractions and non-felony Vehicle Code violations to submit a thumbprint on a promise to appear when the arrestee does not have satisfactory identification. The bill also sets forth safeguards to prevent misuse of the thumbprint.

SB 1730 (Bowen) – Requires anyone who uses a consumer credit report to establish a system to receive security alerts transmitted by consumer reporting agencies.

SB 1926 (Costa) – Requires “instant loan” checks to be mailed in envelopes with no indication that a negotiable instrument is contained in the mailing, and envelopes must be marked with “do not forward” instructions.

AB 1764 (Wayne) – Expands the scope of the crime of false impersonation to include sending an electronic communication using someone else’s name or e-mail address, with the intent to make the recipient believe the communication is from the person falsely personated, and to injure or defraud.

AB 1773 (Wayne) – Allows criminal prosecution for identity theft where the defendant is charged with either taking the personal identifying information or using the personal identifying information for an illegal purpose. Also provides that if the defendant is charged with taking the information in multiple jurisdictions, all of the offenses may be prosecuted in the same jurisdiction.

AB 1944 (Wright) – Authorizes a peace officer to take a thumbprint of a person receiving a citation or being arrested for a misdemeanor if that person does not have proper identification or if there is probable cause to believe the person has fraudulent identification.

AB 2297 (Simitian) – Requires a Web-based business that collects personal and identifying information about individuals through the Internet to conspicuously post and fully comply with a privacy policy that identifies the categories of

information collected, and with whom the business may share the information. In the case of a security breach that discloses personal and identifying information in a manner not covered by the privacy policy, the business shall notify each individual who may have been affected.

Privacy

SB 169 (Bowen) – Restricts the use of facial recognition technology to protect personal privacy and the security of the collected data. Permits private entities to use facial recognition technology in situations where a transaction is initiated by a consumer, and the consumer consents. In all other cases, businesses may only collect biometric identifier information and attempt to identify a person using facial recognition technology when it is reasonably necessary to protect public safety or personal property, and when the business has posted clear notice that the information is being collected. The bill also restricts when businesses may sell or share the information for commercial purposes and requires the information to be secure from unauthorized access.

SB 1765 (Bowen) – Requires companies to obtain authorization from consumers before providing personal information obtained from warranty cards and consumer surveys to other companies for marketing purposes, and mandates various disclosures for those cards and surveys.

AB 74 (Washington) – Continues the current wiretap law through the end of 2007, and expands the list of offenses eligible for intercept orders to include offenses involving weapons of mass destruction, restricted biological agents, and destructive devices.

AB 2161 (Maddox) – Allows the inclusion of any felony, no matter how old, in an investigative consumer report.

AB 2191 (Migden) – Makes pharmaceutical companies subject to the Confidentiality of Medical Information Act provisions on disclosure of medical information.

AB 2238 (Dickerson) – Makes it a crime to post the names, addresses, and phone numbers of public safety officials on the Internet with the intent to cause imminent great bodily harm. Repeals the existing law prohibiting government agencies from posting public officials' names, home addresses, and phone numbers on the Internet.

AB 2297 (Simitian) – Requires a person or entity that conducts business on a Web site that collects personal and identifying information about individuals through the Internet to conspicuously post and fully comply with a privacy policy that identifies the categories of information collected, and with whom the information may be shared. In the case of a breach of security that results in the disclosure of personal and identifying information, each individual who may have been affected shall be notified.

AB 2456 (Jackson) – Expands the types of personal information to which prison and county jail inmates are denied access.

AB 2659 (Runner) – Requires the state Department of Justice to certify persons who fingerprint others for licensure, certification or employment purposes.

AB 2922 (Simitian) – Requires the state Office of Privacy Protection to inventory the categories of personal information collected and used by state agencies, and to make it available to the public by March 1, 2004.

Information Technology and Telecommunications

Also see “Identity Theft and Privacy,” page 83

E-Government

The Legislature created the Department of Information Technology (DOIT), SB 1 (Alquist), Chapter 508/Statutes of 1995, to plan and oversee the state’s uses of information technology (IT). DOIT is responsible for ensuring that appropriate plans, policies, and procedures are in place to assure successful implementation of IT projects. The statutory provisions pertaining to DOIT become inoperative on July 1, 2002, unless the Legislature extends them.

Over the past year, the California State Auditor, at the request of the Joint Legislative Audit Committee, has conducted two audits concerning the state’s management of IT. Both audits were very critical of DOIT, which is responsible for giving departments guidance and leadership in all of their information technology efforts.

The first report, issued in June 2001, titled, *Information Technology: The State Needs to Improve the Leadership and Management of its Information Technology Efforts*, found that, among other things, DOIT had not provided adequate leadership, guidance, and oversight to protect the state’s investment in IT. It asserted the state had not maintained an inventory of IT projects to improve coordination and oversight, not sufficiently reviewed the strategic plans of departments’ IT projects, and not always positioned itself to prevent potentially unnecessary and costly project delays.

The most recent audit, issued on April 16, 2002, and titled, *Enterprise Licensing Agreement: The State Failed to Exercise Due Diligence When Contracting With Oracle, Potentially Costing Taxpayers Millions of Dollars*, alleged that DOIT and other state officials were responsible for signing a \$95 million software contract despite little need for the software and claims of savings that were inflated.

SB 174 (Kuehl) – Transfers two programs related to child support, the California Parent Locator Service and the Central Registry, from the Department of Justice to the Department of Child Support Services (DCSS), in accordance with the recent transfer of child-support responsibilities to DCSS. The transfer will occur upon the implementation of DCSS’s Child Support Automation System, which is expected to be operational by 2006.

SB 1687 (Margett) – Authorizes public agencies to adopt procedures to receive bids on public works contracts over the Internet, but only if no bid could be opened before the bid deadline and all bids could be verified as authentic.

AB 1068 (Wright) – Authorizes Internet escrow agents to submit required audit reports to the Department of Corporations electronically.

AB 1559 (Diaz) – Extends, indefinitely, the provisions governing the Department of Justice's Hawkins Data Center, the Health and Human Services Agency Data Center, and the Stephen P. Teale Data Center.

AB 1813 (Assembly Jobs, Economic Development, and the Economy Committee) – Requires that notification be provided to the Legislature at least 30 days prior to signing sole-source contracts for IT goods and services in excess of \$1 million.

AB 1857 (Wayne) – Requires a state agency maintaining an Internet site to include the text of a proposed emergency rulemaking action and the date the proposal was submitted to the Office of Administrative Law. The bill requires rulemaking documents to be posted on the Web site for at least 15 days after the rulemaking process ends.

AB 1936 (Horton) – Provides for the use of electronic media in filing returns for the special taxes programs administered by the Board of Equalization. The bill includes the motor vehicle fuel tax, use fuel tax, cigarette and tobacco products tax, alcoholic beverage tax, energy resources surcharge, emergency telephone users surcharge, hazardous substances tax, integrated waste management fee, oil spill response, prevention and administration fees, underground storage tank maintenance fee, and diesel fuel tax returns. It defines electronic media to include computer modem, magnetic media, optical disk, fax machine, or phone.

AB 2543 (Diaz) – Establishes procedures in the Department of General Services for the state to enter into enterprise licensing agreements (ELAs). Requires the Department of Finance to notify the Legislature of the state's intention to enter into a proposed ELA at least 30 days in advance. Addresses concerns of the Legislative Analyst's Office and findings of an April 16, 2002, California state auditor report on ELAs. Despite the potential to achieve volume discounts on purchases of software through ELAs, the state auditor argues that the state is vulnerable to significant risks in the absence of better management and procurement procedures.

AB 2550 (Nation) – Requires the Department of Health Services to implement an Internet-based electronic death registration system by 2005.

AB 2781 (Cohn) – States the intent of the Legislature that the Franchise Tax Board make electronic filing more accessible to residents of California and that the board make every effort to fully protect the privacy of taxpayers choosing electronic filing methods. The bill clarifies that taxpayer privacy is to be fully protected, in an environment that does not allow for any storage, review, or monitoring of taxpayer drafts.

E-Commerce

SB 97 (Sher) – Repeals the Uniform Electronic Transactions Act and replaces it with the Electronic Transactions Act and the Consumer Electronic Transactions Act. These new acts would apply to transactions in which records or signatures are transmitted electronically, and would exclude from coverage transactions subject to laws on wills and codicils, testamentary trusts, and other specified transactions.

AB 2085 (Corbett) – Requires every health care service plan with a Web site to provide an on-line form that subscribers can use to file a grievance on line.

Law Enforcement

SB 1131 (Kuehl) – Allows a cell-phone service provider to contract with a public safety agency to give the agency priority over other users.

SB 1891 (Perata) – Requires the Department of Justice to maintain records on stolen and lost bicycles in the Criminal Justice Information System, accessible to law-enforcement agencies through the California Law Enforcement Telecommunications System.

AB 2018 (Nakano) – Establishes the Public Safety Communication Advisory Board to develop and implement a statewide integrated public safety communication system.

AB 2033 (Robert Pacheco) – Makes reproductions of business records admissible in court as secondary evidence, provided the reproductions are made from the original by a trusted system, and if alterations to the original document are not permitted by the technology.

AB 2080 (Steinberg) – Establishes a process for the Department of Justice (DOJ) to verify that a federal firearms license-holder in California who accepts deliveries of guns is also a fully licensed California dealer. Provides that as of July 1, 2003, DOJ will computerize its centralized list of state-licensed firearm dealers, wholesalers, and gunsmiths and make the list available to the public 24 hours a day via the Internet. Until that date, the information will be available from DOJ on request.

Telecommunications

SB 239 (Polanco) – Requires the California Public Utilities Commission to reimburse small competitive local exchange carriers on a sliding scale, based on number of subscribers served, that decreases to the tariffed rate for incumbent local exchange carriers once 20,000 subscribers are served.

SB 1311 (Kuehl) – Authorizes voluntary agreements between cellular carriers and public safety agencies to give public agencies priority access when using cellular communications during major emergencies.

SB 1358 (Bowen) – Bans unsolicited advertising faxes by allowing a federal ban to take effect.

SB 1383 (Bowen) – Requires e-mail service providers to give at least 30 days' notice before terminating service.

SB 1560 (Figueroa) – Clarifies what businesses may obtain a planned "do not call" list of consumers who do not wish to be solicited by telephone, and stipulates that businesses may not become brokers of the list.

SB 1601 (Bowen) – Requires that cellular radiotelephone service providers give new customers a grace period of at least 30 days, within which a new customer can rescind his or her contract if he or she finds the service quality is

unsatisfactory. Requires every new service agreement to provide reasonable notice of the grace period and the customer's rights.

AB 1769 (Leslie) – Prohibits a business from transmitting an unsolicited advertising text message to a cellular phone or pager equipped with short message capability.

SB 1863 (Bowen) – Establishes a state policy to focus “universal telephone service” efforts on providing educational institutions, health-care institutions, community-based organizations, and government agencies with access to advanced telecommunications services.

AB 1814 (Reyes) – Requires an Internet service provider to give 30 days' prior notice of service termination or service transfer to another ISP. The notice shall include a description of any proposed transfer, rates and conditions of new service, a statement of the customer's right to transfer to another ISP, and a toll-free customer service phone number for responding to customers' questions.

AB 2244 (Wayne) – Expands the disclosure of prepaid calling-card fees or charges, adds restrictions on how fees or charges are imposed and how a prepaid calling card company operates its required customer-service phone number. Requires that mandated disclosures be made in any language used on the prepaid card or its packaging, advertising, or promotion.

AB 2820 (Cardenas) – Expands existing law that sets up the state telemarketer “do not call” list by allowing Californians to place their fax numbers on that list.

AB 2831 (Simitian) – Clarifies that the restrictions on Internet posting of laboratory test results do not apply to direct communication about the test results by Internet posting or other electronic means between a treating health professional who ordered the laboratory test and his or her patient. Limits the restriction currently in place for Internet posting to convey test results of routinely processed tissues, such as skin biopsies, pap smears, products of conception, and bone marrow aspirations, to only those cases where the test result reveals a malignancy.

AB 1934 (Corbett) – Requires phone companies to perform background checks on job applicants who would be given access to phone networks and customer premises.

Immigrants and Foreign-born Persons

SB 492 (Polanco) – Requires the state Department of Health Services to implement a program, consistent with federal law, to recommend waivers of a two-year home-country residence requirement for up to 20 foreign medical graduates working in California under non-immigrant visas.

SB 987 (Escutia) – Strengthens the monitoring and enforcement mechanisms of the Dymally-Alatorre Bilingual Services Act, which requires state agencies to distribute non-English-language written materials and employ bilingual persons in local offices that serve a substantial number of non-English-speaking individuals. Requires that state departments proactively implement the act, including identifying deficiencies and developing implementation plans to comply with existing law. Changes the service threshold to account for those who are unable to obtain services or who are deterred from seeking services due to language barriers. SB 987 also provides the State Personnel Board with the authority to monitor, investigate and enforce the act.

SB 1544 (Karnette) – Makes findings and declarations of the Legislature in regard to the transfer of foreign prisoners pursuant to various international treaties, including the 1983 Council of Europe Convention on the Transfer of Sentenced Persons. Sets forth conditions for the transfer of foreign prisoners by the Board of Prison Terms and circumstances requiring the board to transfer foreign prisoners.

SB 1748 (Polanco) – Requires the state Department of Health Service's Office of Binational Border Health to create a Web site describing the health status of migrants of Mexican origin.

SB 1974 (Polanco) – Allows the state insurance commissioner to approve insurance policies and associated materials in a foreign language provided, among other things, that the official version of these documents is provided in English to the policyholder. Stipulates that an insurer who knowingly misrepresents information in a foreign language shall be engaging in an unfair or deceptive practice subject to penalties enforced by the commissioner.

AB 60 (Cedillo) – Allows persons who have submitted applications for lawful immigration status to apply for driver's licenses from the Department of Motor Vehicles (DMV). Allows applicants without Social Security numbers to submit taxpayer identification numbers or other approved identifiers and to sign affidavits under penalty of perjury. Deletes the requirement that the DMV verify the authenticity of documents submitted to confirm legal presence.

AB 1756 (Bogh) – Requires California's higher-education institutions to report to the Immigration and Naturalization Service when an admitted international student fails to enroll or participate in classes within 30 days of registration for the current term.

AB 1999 (Correa) – Authorizes the state attorney general or a local prosecutor to seek civil penalties of up to \$100,000 for each violation of the Immigration Consultants Act, enacted in 1986 to address the problem of unscrupulous and fraudulent practices by persons providing advice and assistance in immigration matters.

Insurance

Please also see “Managed Care,” page 61, in the “Health Care” section and “Workers’ Compensation” in the “Labor and Employment” section, page 96.

Automobiles

SB 1648 (Speier) – Makes it unlawful for an insurer to acquire ownership in an auto body repair shop.

SB 1427 (Escutia) – Deletes a January 1, 2004, repeal date for low-cost automobile insurance pilot programs in Los Angeles County and San Francisco. Requires a low-cost automobile insurance policy to offer uninsured motorist coverage and authorizes the charging of an additional premium for that coverage. Increase the gross annual household income limit to be eligible for a low-cost automobile insurance policy from 150 percent of the federal poverty level to 250 percent. Requires the state insurance commissioner to propose annually a plan to the Senate and Assembly Committees on Insurance setting forth the methods to be used for informing households eligible for the pilot programs about the availability of low-cost automobile insurance.

AB 5 (Calderson) – Clarifies that an insurer is prohibited from refusing to offer a “good driver discount” policy based upon information received in a consumer’s credit report. Prohibits an insurer from refusing to issue or renew a private automobile policy based solely on information received in a credit report.

Insurers

SB 170 (Escutia) – Authorizes the state Department of Insurance to impose civil penalties on insurers that fail to provide data to the department as required by law.

SB 834 (Escutia) – Requires insurers who sell homeowner’s insurance, commercial insurance, or fire policies to annually submit to the state insurance commissioner a record of loss experience, per exposure, for each geographic area and a community service statement for each zip code served by the insurer.

SB 1974 (Polanco) – Allows the state insurance commissioner to approve insurance policies and associated materials in a foreign language provided, among other things, the official version of these documents is in English.

SB 1978 (Speier) – Prohibits insurers from making campaign contributions to candidates for the state office of insurance commissioner.

Long-Term Care Insurance

AB 1908 (Cohn) – Eliminates a statutory provision that requires employees to pay the full cost of premiums for CalPERS long-term care insurance. Gives

public employers greater flexibility in designing benefit packages, and assists those for whom the cost of long-term care insurance may be prohibitive. Allows CalPERS long-term care enrollees to benefit from pending federal legislation (H.R. 831, Johnson), which would allow an employer's contribution to a "cafeteria" or flexible benefits plan to pay for employee long-term care premiums.

Mold

SB 1763 (Ortiz) – Requires property or liability insurance policies issued, amended, or renewed as of January 1, 2003, to cover losses from mold damage. If an insurer intends to exclude mold as a covered loss, the insurer will have to state the exclusion in clear, explicit, and understandable terms.

Judiciary

SB 371 (Escutia) – Makes court interpreters employees of the trial courts rather than independent contractors. Grants court interpreters collective-bargaining rights as court employees.

SB 994 (Morrow) – Extends the expiration date of provisions protecting public skateboard parks from liability for injuries sustained by persons older than 13 years from January 1, 2003, to January 1, 2008. Requires the Judicial Council to submit a report to the Legislature that compiles the annual reports on skateboarding-related incidents and injuries at public skateboarding parks, on March 1, 2007.

SB 1437 (Oller) – Punishes the unauthorized taking of multiple copies of free newspapers, particularly where such takings are done to limit distribution of editorial or advertising content, or to generate recycling income.

SB 1459 (Romero) – Sets forth penalties and remedies for individuals who practice law or hold themselves out to be practicing attorneys who are, in fact, not members of the State Bar.

SB 1878 (Poochigian) – Clarifies what actions constitute a “contest” for purposes of invalidating a “no contest” clause in a will, trust, or other estate-planning instrument. Lists actions that may not be considered “contests” as a matter of public policy, and provides exceptions to this rule.

SB 2061 (Morrow) – Provides that a communication between parties to any privileged relationship does not lose its privileged character for the sole reason that it is communicated by electronic means or because persons involved in the delivery, facilitation, or storage of electronic communication may have access to its content.

AB 2656 (Corbett) – Requires that private judging companies collect and make available to the public data regarding the outcome of mandatory consumer arbitrations. Such arbitrations, in contrast to the proceedings of public courts, typically are secret.

Labor and Employment

Two significant labor bills were signed by Governor Davis early in 2002. The first, **AB 749 (Calderon), Chapter 6/Statutes of 2002**, increased workers' compensation benefits over a four-year period and established reforms in the administration of the workers' compensation system.

Benefit increases included an increase in the minimum weekly temporary disability and permanent total disability benefits to \$126, an increase in the maximum weekly permanent partial disability benefit and an increase in the permanent partial disability minimum benefit from \$70 to \$130 per week.

Maximum weekly temporary disability and permanent total disability benefits were increased to \$602 for injuries occurring on or after January 1, 2003, to \$728 for injuries occurring after January 1, 2004, and to \$840 for injuries occurring on or after January 1, 2005. Beginning January 1, 2006, the minimum and maximum temporary disability and permanent total disability benefit will be increased by the same percentage increase in the state average weekly wage.

Also signed was legislation, **SB3X 2 (Alarcón), Chapter 4, Statutes of 2001-02 Third Extraordinary Session**, which increased unemployment insurance benefits to workers who were unemployed on or after September 11, 2001. Legislation passed last year increased maximum unemployment insurance benefits from \$230 to \$330 per week for claims filed on or after January 1, 2002. This bill applied this benefit increase retroactively to individuals who were unemployed on or after September 11th.

Workers' Compensation

SB 1395 (Machado) – Creates a skin-cancer rebuttable presumption under the workers' compensation law for peace officers employed by the Department of Fish and Game and the Department of Parks and Recreation.

SB 1407 (Burton) – Defines "employee" for the purposes of workers' compensation to be any person who drives a taxicab regardless of the person's employment or independent contractor status.

SB 1609 (Soto) – Creates a disputable presumption that a blood-borne infectious disease developing or manifesting itself with respect to specified health care workers arises out of and in the course of employment, for the purposes of workers' compensation.

SB 1705 (Burton) – Permits an acupuncturist to determine workers' compensation disability.

SB 2011 (Burton) – Excludes Superior Courts from the requirement to secure insurance for the payment of workers' compensation and creates, commencing

July 1, 2003, the Judicial Branch Workers' Compensation Fund to fund workers' compensation claims for judicial branch employees.

AB 1820 (Strom Martin) – Extends the tuberculosis and meningitis rebuttable presumptions for workers' compensation insurance to volunteer and partly paid firefighters.

AB 2131 (Leonard) – Provides that if an employee covered by the blood-borne infectious-disease presumption contracts a blood-borne infectious disease and a dependent of that employee contracts the blood-borne infectious disease from the employee, the dependent shall be compensated for the duration of the disease for all medically necessary health care costs associated with the disease.

AB 2192 (Chavez) – Requires a licensed rating organization to make available experience-rating information contained in its records to any information-services company that furnishes information to workers' compensation insurers, agents, or brokers licensed to do business in this state.

Unemployment Insurance and Disability Insurance

SB 467 (Scott) – Authorizes the Employment Development Department (EDD) to terminate an employer's voluntary plan for coverage of disability benefits with good cause, and authorizes EDD to pay benefits from the Disability Fund to eligible claimants covered by voluntary plans terminated by EDD. **Signed – Chapter 52/Statutes of 2002.**

SB 1661 (Kuehl) – Creates, within the state disability insurance program, a family temporary disability insurance program to provide up to 12 weeks of wage replacement benefits to workers who take time off to care for a seriously ill child, spouse, parent, domestic partner, or to bond with a new child.

Wages, Hours and Working Conditions

SB 1471 (Romero) – Provides that it is a per se violation of the law for an employer's absence-control policy to count sick leave used to care for a child, parent, spouse, or domestic partner as an absence that may lead to discipline, discharge, demotion, or suspension.

SB 1591 (Burton) – Requires members of the Cal-OSHA Standards Board to be approved by the Senate. Provides that a member may continue to hold office after expiration of a term until a successor is appointed and qualified or for a period of up to 60 days, whichever occurs first.

SB 1592 (Burton) – Provides that a person employed by a ski establishment is subject to the eight-hour day and 40-hour week overtime provisions.

SB 1818 (Romero) – Limits the potential effects of a recent U.S. Supreme Court decision by establishing a separate civil penalty against employers who violate labor and civil rights laws.

SB 1886 (Torlakson) – Establishes a comprehensive statutory scheme to regulate elevator safety.

AB 2195 (Corbett) – Extends to victims of sexual assault the existing protections against adverse employment actions for victims of domestic violence who need time off from work.

AB 2242 (Koretz) – Indexes the state minimum wage to the state Consumer Price Index.

AB 2837 (Koretz) – Requires the Division of Occupational Safety and Health to investigate a fatal employment accident within 24 hours; imposes a civil penalty of not less than \$5,000 against any employer who fails to report a serious injury, illness, or death; and requires the division to enhance its services to non-English-speaking individuals.

AB 2849 (Washington) – Requires that employees who have part-time playground positions be included as part of classified service if they also work part-time in existing classified positions.

AB 2895 (Shelley) – Prohibits an employer from requiring an employee to refrain from disclosing information about the employer's working conditions. Prohibits an employer from requiring a waiver that purports to deny an employee the right to disclose such information, and makes unlawful any type of job discrimination against an employee for disclosing such information.

AB 2942 (Koretz) – Requires the labor commissioner to provide notice to the appropriate state tax authorities when the commissioner determines that an employer has violated laws related to minimum wages, overtime, and other specified laws regarding wages, hours, and working conditions.

AB 2989 (Labor Committee) – Requires payment of severance pay at the rate of one week's pay per year of employment to an employee who is laid off or who loses his or her job because the employer closes down or relocates a facility.

AB 2990 (Labor Committee) – Creates a rebuttable presumption affecting the burden of proof that the provisions of existing law were violated if a person discharges, demotes, suspends, or reduces the hours of work or pay of an employee within 90 days after the employee has exercised his or her rights under the Labor Code.

Other Labor Measures

SB 1236 (Alarcón) – Creates the Labor and Workforce Development Agency.

SB 1419 (Alarcón) – Establishes standards for the use of personal service contracts in California school districts and community college districts.

SB 1466 (Alarcón) – Provides that any person or entity violates state law when entering into a contract for labor or services for construction, farm labor, garment manufacturing, janitorial services, or security guard services if the person or entity knows or should know the contract does not provide sufficient funds to comply with various local, state, and federal labor laws.

SB 1566 (Polanco) – Reauthorizes the California Community Colleges Economic Development Program (also known as the EdNet program) as the California Community Colleges Economic and Workforce Development Program and extends the program's sunset date to January 1, 2008.

SB 1736 (Burton) – Provides for an alternative means for arbitration and collective bargaining disputes for agricultural employees. Provides for mediation and conciliation services if the parties do not reach agreement within 90 days and applies the existing arbitration procedures for backstretch employees to agricultural employees.

SB 2066 (Burton) – Requires the University of California to show good cause before it utilizes a service contractor at any new facility for work traditionally performed by represented university employees.

AB 325 (Reyes) – Prohibits a farm worker from being required to cash a paycheck at a location designated by a farm labor contractor, grower, or agricultural employer, or being charged a fee for doing so. Also assigns misdemeanor penalties for wrongful conduct and increases penalties for charging employees transportation costs to and from the job site.

AB 567 (Koretz) – Codifies the standard adopted by the state's Occupational Safety and Health Standards Board prohibiting the use of short-handled tools for weeding, thinning and hot-capping in a stooped, kneeling or squatting position.

AB 979 (Cedillo) – Provides specified salary and benefit compensation for school classified employees who are absent from employment due to military service as a result of the war on terrorism.

AB 1448 (Maddox) – Makes permanent the limitations on liability of the prime contractor for violations by the subcontractor of the certified payroll and overtime requirements by repealing the sunset of these two Labor Code sections.
Signed – Chapter 29/Statutes of 2002.

AB 1506 (Wesson) – Requires an awarding body that chooses to use funds from school bond acts to initiate and enforce a labor compliance program.

AB 1982 (Bogh and Pacheco) – Requires specified entities that are members of the California Public Employees Retirement System, subject to the County Employees Retirement Law of 1937 or subject to the Los Angeles City Employees' Retirement System, to make advanced disability payments to employees, as specified.

AB 2509 (Goldberg) – Permits local government agencies to impose labor standards more stringent than those required by state law on local projects that receive state funding.

AB 2816 (Shelley) – Requires that when a temporary agency enters into a contract to provide a licensed contractor with the services of an individual, the temporary agency must pay the workers' compensation premiums for that individual based on the experience modification of the licensed contractor.

AB 2957 (Koretz) – Provides that an employer must give 60 days' written notice of a mass layoff, relocation or termination to employees, the Employment Development Department, the local workforce investment board, and the chief elected official of each affected city and county government.

AB 2987 (Labor Committee) – Increases the amounts of fines and penalties for violations of the Labor Code. Specifically, increases the amount of the maximum authorized fine for specified misdemeanors, when an amount is not specifically prescribed, to \$5,000. Increases the penalty for failure to pay wages to \$200 for each failure to pay each employee plus 25 percent of the amount unlawfully withheld.

Local Government

Please also see "Housing, Homelessness and Urban Growth," page 74, as well as "Other Property Tax Measures," page 116, in the "Revenue and Taxes" section .

Fire Protection

AB 2825 (Wiggins) – Allows a city, county, or city and county to form a fire protection finance agency to supplement fire protection services and finance capital improvements for its fire department or for any other public agency that provides fire protection services within its boundaries.

AB 2836 (Wiggins) – Authorizes the Public Works Board, in coordination with the Office of Emergency Services, to issue revenue bonds through a specified mechanism for public buildings, equipment and property on behalf of various local agencies providing fire protection services. Also provides that when the revenues from the public building are no longer required for payment of the bond, the local agency or special district shall receive title to the building.

Local Contracts

SB 1759 (Johannessen) – Authorizes, until January 1, 2006, certain cities to enter into design-build contracts with a cost of at least \$5 million, according to specified bidding and contracting procedures. (Design and construction services would be procured from a single company, rather than using the design-bid-build method now required for awarding local public contracts.) Requires each contract to prohibit construction or alteration of any project without prior written approval of the plans by the city. Requires the legislative analyst to report to the Legislature on the use of design-build contracting.

Military Bases

SB 1468 (Knight) – Requires cities and counties to consider the impact of new growth on military-readiness activities conducted on military bases and training areas in their jurisdictions when making land-use decisions in their next general plans.

Regional Cooperation and Planning

AB 680 (Steinberg) – Reallocates growth in sales-tax revenue in the greater Sacramento region in a pilot project that uses a formula based partially on per-capita distribution in addition to current considerations based on where the revenue was generated.

AB 857 (Wiggins) – Declares the intent of the Legislature that the governor's Office of Planning and Research prepare by June 30, 2003, a state comprehensive plan to articulate a statewide, 20-year vision based on specified goals.

AB 924 (Wayne) – Allows a county and the cities in that county and contiguous cities to adopt “cooperative general plans” in lieu of adopting their own individual general plans. A cooperative general plan must substantially comply with the requirements for a local general plan, including the requirement to adopt a housing element.

Other Measures

SB 691 (McPherson) – Requires an award of attorney’s fees to a prevailing local governmental entity in certain actions, with the intention of protecting cities and counties with mobile home rent-control ordinances from the costs of defending against baseless litigation challenging the ordinances.

SB 1961 (Polanco) – Requires the state Department of General Services to provide information to local agencies seeking to impose assessments on state properties.

AB 2100 (Simitian) – Provides a long-term plan for returning local property tax revenues to California cities and counties by capping the amount of property tax revenues that are diverted by the state through the Educational Revenue Augmentation Fund (ERAF) program.

Natural Resources

Please also see "Environmental Quality," page 50, and "Water," page 125.

Fish and Wildlife

SB 462 (Kuehl) – Prohibits any activity that results in the capturing or killing of a threatened or endangered species, and any activity that impairs the ability of a threatened or endangered species to reproduce.

SB 1525 (Sher) – Prohibits aquaculturists from importing transgenic fish, including transgenic salmon, into California. Defines a transgenic species as "a genetically engineered organism that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes." Adds transgenic species to the aquatic nuisance species statute. Permits the state Fish and Game Commission to develop regulations to authorize possession of transgenic fish for university and scientific research.

SB 1573 (Karnette) – Establishes the Interagency Aquatic Invasive Species Council, composed of representatives from state agencies and interest groups, and requires it to establish a comprehensive plan by January 2004 to address the prevention, monitoring and enforcement of aquatic invasive species.

SB 1645 (Sher) – Requires hunters who kill mammals on a contract-fee basis to obtain a trapping license, and prohibits raw furs obtained as a result of contract-fee hunting to be sold.

SB 1777 (Sher) – Requires that funds from Proposition 40 for conservation and restoration of salmon and steelhead trout be governed by existing law, with the addition of conflict-of-interest provisions and the addition of monitoring projects.

AB 2469 (Dickerson) – Makes funding available for fish screens in accord with a cost-sharing agreement between the federal government and California.

Sudden Oak Death

SB 2049 (Sher) – Adds research on and detection, removal, and treatment of trees infected with sudden oak death to the permissible uses of the Forest Resources Improvement Fund. Deletes wood energy programs and costs of administering the Forest Practice Act of 1973 from uses of the fund.

AB 2251 (Nation) – Enacts the Sudden Oak Death Management Act. Allows the departments of Forestry and Food and Agriculture to expend funds for sudden oak death regulatory activities, including establishing a task force and implementing a program to detect, remove, and treat trees infected with the disease.

Conservancies

SB 1962 (Polanco) – Requires the Coastal Conservancy to accept all offers to dedicate public access ways that have not been accepted by another entity by at least 90 days before the offer is set to expire, if development funds are available.

AB 2156 (Kehoe) – Establishes, until January 1, 2010, the San Diego River Conservancy to acquire and direct the management of specific public lands in the San Diego River area. Prescribes its management, powers and duties.

AB 2727 (Keeley) – Allows the Coastal Conservancy to pay more than \$100,000 for an option to acquire land, but only if any amount greater than \$100,000 is creditable to the purchase price. Eliminates a cap of \$100,000 for an enhancement or restoration plan. Allows the Conservancy to impose restrictions on land use when acquisitions are sold.

Wildfires

SB 1568 (Morrow) – Requires the Department of Forestry, contingent on appropriated funds, to station two air tankers in Southern California to provide year-round fire protection to eight Southern California counties.

AB 2505 (Negrete McCloud) – Allows the Department of Forestry to contract for fire and emergency services with California Indian tribes.

Public Employment and Retirement

Please also see "Teachers – Salaries and Benefits," page 34, in the Education section.

Safety Member Issues

AB 1847 (Correa) – Provides that counties operating retirement systems under the County Employees' Retirement Law of 1937 grant a service-connected disability retirement to certain public safety members if they develop an illness due to exposure to a biochemical substance. Also expands the term "injury" to incorporate harmful effects from biochemical substances for purposes of workers' compensation benefits.

AB 2023 (Frommer) – Allows local agencies and counties to include local prosecutors, local public defenders, and local public defender investigators as safety members of the various retirement systems, thereby excluding them from Social Security.

AB 2059 (Pacheco) – Requires local agencies contracting with the California Public Employees' Retirement System (CalPERS) to continue paying the employer contribution toward health benefits for up to 120 days for the surviving spouse and family members of a deceased firefighter or peace officer whose death resulted from injury or disease relating to their official duties.

AB 2671 (Maddox) – Makes CalPERS-contracting agency retirees in an inactive safety plan subject to the same benefit improvements provided to safety employees in active safety plans in the same contracting agency or county.

AB 2766 (Runner) – Allows state, school, and local agency members of CalPERS to receive up to four years of service credit for prior service with a law enforcement agency or fire department in California.

Public Employee Compensation and Benefits

SB 711 (Dunn) – Provides specified salary and benefit compensation for various state employees who are called to active military service as a result of the war on terrorism. **Signed – Chapter 5/Statutes of 2002.**

AB 979 (Cedillo) – Provides that any classified employee of a school district or community college district who is called up to active military duty as a member of the California National Guard or a U.S. military reserve organization as a result of the war on terrorism is entitled to the difference between the military pay and the pay the employee would have received, along with any merit raises or benefits that the employee would have received. If the employee does not return to work after being released from active duty, this additional compensation will be treated as a loan to be repaid with interest.

AB 1357 (Wiggins) – Requires personal service contracts entered into by state agencies to include provisions for employee wages, retirement benefits, holiday pay, sick pay and vacation pay that are equal to no less than 85 percent of the state employer cost provided to state employees performing similar duties.

AB 1802 (Nation) – Allows classified employees of school and community college districts to use sick leave and long-term differential pay leave consecutively, instead of concurrently as now required.

AB 2853 (Diaz) – Requires that state-employed engineers and related professionals receive prevailing wages that are no less than those received by their counterparts in larger local agencies and the University of California based on an annual survey by the Department of Personnel Administration.

Pension and Disability Benefits

SB 1318 (Karnette) – Allows school districts to pay some or all of their certificated employee's 8 percent contribution to the State Teachers Retirement System (STRS).

SB 1984 (Soto) – Provides CalPERS industrial disability benefits (50 percent of pay for life) for state miscellaneous members in State Bargaining Unit 12 and for state Department of Transportation highway workers who are injured in the course of their official duties. Provides a CalPERS "special death benefit" for highway workers who are killed in the course of their official duties.

SB 2094 (Committee on Public Employment and Retirement) – Authorizes CalPERS members to purchase up to three additional years of service credit for time served as volunteers in the Americorps.

AB 1190 (Papan) – Eliminates current provisions in the County Employees' Retirement Law of 1937 and the law governing CalPERS that require an employee to have no more than a six-month break in service when changing employment between public retirement systems in order to qualify for reciprocity with regard to final compensation.

AB 1748 (Dickerson) – Requires the state Department of Forestry and Fire Protection to pay a one-time lump sum death benefit to eligible survivors of contract pilots who are killed in the line of duty.

AB 1908 (Cohn) – Allows public employers to contribute funds to CalPERS to pay long-term care premiums on their employees' behalf.

AB 1986 (Diaz) – Reinstates optional membership rights to participate in CalPERS to elected and appointed officials.

AB 2004 (Correa) – Authorizes a county board of supervisors, in counties operating retirement systems under the County Employees' Retirement Law of 1937, to allow active members of the retirement system to purchase up to five years of service credit for additional retirement credit.

AB 2367 (Correa) – Allows members of CalPERS whose retirement accounts have been separated due to divorce or legal separation to maximize their retirement benefits. Members could "buy back" service credit and redeposit contributions awarded to a non-member spouse in a community property

settlement, provided the non-member elects a refund of accumulated contributions. The bill also provides for the calculation of the member's retirement allowance based upon all of his or her years of service, rather than dividing the member's service credit into two separate accounts. This would increase the member's allowance in cases where the account is divided prior to the member's retirement. The non-member's spouse's allowance would remain the same.

AB 2451 (Salinas) – Requires that part-time community college faculty who are participating in the STRS cash balance program or an alternative retirement plan receive credit for their unused sick leave at the time of retirement.

Collective Bargaining

SB 728 (Machado) – Ratifies the memoranda of understanding (MOU) between the state and state Bargaining Unit 1 (Administrative, Financial and Staff Services), Unit 3 (Education and Library), Unit 4 (Office and Allied), Unit 11 (Engineering and Scientific Technicians), Unit 15 (Allied Services), and Unit 21 (Educational Consultant, Library, and Maritime), all exclusively represented by the California State Employees' Association. **Signed – Chapter 14/Statutes of 2002.**

SB 65 (Burton) – Ratifies the MOU negotiated between the state of California and state Bargaining Unit 6 (California Correctional Peace Officers Association) pursuant to Section 3517 of the Government Code. **Signed – Chapter 1/Statutes of 2002.**

SB 183 (Burton) – Provides enhanced retirement benefits under CalPERS to members of state Bargaining Unit 7 (Protective Services and Public Safety), represented exclusively by the California Union of Safety Employees. This bill also includes the attorney general as a peace officer.

AB 1330 (Steinberg) – Provides ratification for the MOU negotiated between the state and employees in state Bargaining Unit 14 (printing trades), 17 (nurses), and 20 (medical and social services) represented by the California State Employees Association.

AB 1684 (Assembly Public Employee, Retirement and Social Security Committee) – Provides ratification for the MOU negotiated between the state and employees in state Bargaining Unit 2 (attorney and administrative law judges), represented by the California Attorneys, Administrative Law Judges and Hearing Officers in State Employment (CASE). **Signed – Chapter 40/Statutes of 2002.**

AB 2549 (Nation) – Allows part-time faculty of the California State University (CSU) who teach six units for two consecutive semesters or three consecutive quarters to qualify for membership in CalPERS if agreed to through collective bargaining.

AB 2839 (Kehoe) – Revises the definition of "meet and confer" to require that the state fully consider the presentations made by organizations representing supervisory employees prior to reaching a decision.

Other Issues

SB 1580 (Burton) – Requires that certain members of the STRS board be elected by the members of STRS rather than appointed by the governor.

AB 1825 (Nakano) – Requires that leaves of absence with pay be granted to state employees and employees of CSU who are organ or bone marrow donors and allows the Regents of the University of California to adopt the same leave of absence provisions

AB 1890 (Horton) – Requires that when there is a city civil service commission or a similar entity, half of the members of the commission be appointed by the city council and half appointed by the city council from nominations of the employee organization.

AB 1950 (Wright) – Grants state agencies the authority to extend the probationary period of new employees in order to address disability accommodation issues.

AB 2268 (Horton) – Makes various changes to state civil service law regarding dismissed employees, disciplinary processes, and discrimination cases.

AB 2438 (Diaz) – Requires that employees in state Bargaining Unit 12 (Crafts and Maintenance), represented by the International Union of Operating Engineers, receive prevailing wages that are not less than those received by their counterparts in California's larger local agencies.

AB 2477 (Steinberg) – Establishes the Excluded and Exempt Employees Salary-Setting Commission to recommend to the Legislature by May 1 of each year the salaries and benefits for excluded and exempt employees in state government.

AB 2506 (Steinberg) – Requires STRS to establish a registry for vendors who provide tax-deferred retirement investment products that school districts, community college districts and county offices of education can offer to their employees.

AB 2792 (Negrete McLeod) – Eliminates, beginning January 1, 2003, a CalPERS local contracting agency's ability to reduce or modify benefits, without employee consent, for new employees of the agency.

AB 2850 (Firebaugh) – Requires that notice be given by a state agency to the designated representative of state employees Bargaining Unit 2 (California Attorneys, Administrative Law Judges, Hearing Officers, and Deputy Labor Commissioners in State Employment) prior to entering into a contract for legal services.

Public Safety

Please also see “Incarcerated Youth and Adults,” page 29, and “School Safety and Violence Prevention,” page 32, in the “Education” section. Also see “Elder Abuse,” page 2, in the “Aging and Long-term Care” section, and “Domestic Violence and Sexual Assault,” page 19. .

In the new atmosphere of watchfulness against terrorist attacks, the Legislature has sought to make its own significant contribution on behalf of California and its citizens. Senators and Assembly members introduced more than 100 bills in direct or partial response to the tragic events of September 11, 2001.

Among them are measures to memorialize the victims and to ease the anguish of survivors with a California connection. Other bills define new crimes and penalties to fit new dangers and to provide new resources for law enforcement. There are bills to increase benefits to California resident members of the National Guard and military reserve units called into service in the armed forces build-up that followed the 9/11 attacks. Directly below is a selection of terrorist-related legislation.

Public safety bills that were not directly related to the terrorist threat dealt with, among other concerns, prisoner issues, authority over juvenile offenders, guns and molesters among the clergy.

Anti-Terrorism Measures

SB 711 (Dunn) – Extends from 180 to 365 days the maximum period that state employees may qualify for full pay while on active duty as National Guard personnel or reservists called up to serve after the terrorist attacks of September 11th. Full pay is arrived at by the state making up the difference between military pay and the person’s civilian salary as a state employee. **(AB 979 by Cedillo** would extend similar benefits to teachers.) **Signed – Chapter 5/Statutes of 2002.**

SB 1253 (Figueroa) – Partially out of terrorist threat concerns, allows students to have cell phones with them at school.

SB 1287 (Alarcón) – Broadens definitions of weapons of mass destruction, expands prison penalties up to life without parole for making, deploying or possessing such weapons, broadens and expands penalties related to making a threat to use such weapons, adds the crime of creating a hoax by mimicking the use of such weapons.

SB 1350 (McPherson) – Requires the Office of Emergency Services and the commission on Police Officer Standards and Training to develop terrorism training for first-responders including all police officers, fire fighters and emergency medical technicians.

SB 1629 (Soto) – Authorizes the governor to expend sufficient funds, when and if forthcoming from federal anti-terrorism block grants, to meet the costs of expanding paramedic training to fire fighting personnel.

SB 1643 (Johnson) – Allows legislative bodies to hold closed sessions with law enforcement on questions of terrorism if approved by a two-thirds vote of the members present. Similar provisions are in **AB 2072 (Mountjoy)**.

SB 1700, 1701, 1702 (Peace) – This three-bill package aims to discourage trade in black market cigarettes that cost California up to \$400 million a year in evaded taxes. Similar illegal operations have seen proceeds in other states disappear overseas to Middle East terrorists. This proposal includes licensing of tobacco merchants and distributors, increasing penalties for cigarette smuggling, imposing a state fee of 2 cents a pack sold, making the state tobacco stamp tax harder to counterfeit and investing state investigators with police powers of search and arrest.

SB 1873 (Escutia) – Authorizes payment of up to \$2,000 to supplant lost wages of relatives of victims of the 9/11 terrorist attacks, incurred as a result of attending funerals and memorial services. Applies to survivors who are California residents or are survivors of California victims of the attacks.

AB 74 (Washington) – Expands the authorized use of state wire taps, if approved by a judge, against those engaging in possible use of weapons of mass destruction.

AB 1433 (Horton) – Extends to Californians called up post 9/11 to serve in the National Guard or military reserve an array of benefits enacted previously in federal legislation for service mainly overseas. Benefits include protections against eviction for dependents and placing contract debts on hold during the period of military service, whether overseas or not.

AB 1756 (Bogh) – Requires colleges and universities to report to the U.S. Immigration and Naturalization Service the name of any student alien who hasn't enrolled or attended class by the 30th day of the school term.

AB 1763 (Richman) – Sets up a commission to study consequences and responses to a bioterrorist attack.

AB 1759 (Wesson) – Creates a special license plate with proceeds going to a new Antiterrorism Fund. Creates a state program to provide financial and technical assistance to police agencies targeting terrorist organizations and sets up a scholarship fund for surviving relatives of 9/11 attack victims. **Signed – Chapter 38/Statutes of 2002.**

AB 1777 (Cardenas) – In this, the budget bill, \$13.4 million is appropriated to the Anti-Terrorist Information Center in the Department of Justice, with the number of positions held to 39 until federal funds become available to reimburse the program. Number of positions may increase (no figure given) thereafter.

AB 2105 (La Suer) – Adds persons convicted of terrorist activity involving weapons of mass destruction to offenders who are required to provide DNA samples for the state Department of Justice database.

AB 2107 (Strickland) – Sets prison terms of up to 25 years for conviction of persons laundering money to support a terrorist enterprise.

AB 2112 (Cogdill) – Requires nonresidents transporting hazardous materials to carry a license and endorsement recognized by the California Department of Motor Vehicles, or a Canadian license and copy of the driver's training certificate that complies with federal authorization to haul hazardous materials.

AB 2409 (Jackson) – Requires an Office of Emergency Services study of TV and radio broadcast readiness to respond to a terrorist attack.

AB 2522 (Dutra) – Requires the California Highway Patrol and Office of Emergency Services, working with federal, state and local agencies, to assess risks to the state's transportation facilities and report confidentially to the Legislature by July 1, 2002.

AB 2580 (Simitian) – Aimed primarily at Hollywood movie makers, requires the state Department of Justice (DOJ) to perform annual safety inspections of high-powered weapons and explosive devices used mainly in making action films. In part because of terrorist concerns, bill's requirements also include a DOJ reconciling of inventories of the some 20,000 firearm and explosive devices used by Hollywood prop masters.

AB 2719 (Maldonado) – Declares the intent of the Legislature to implement, upon the appropriation of funds in the annual Budget Act, recommendations made by the California Transportation Commission regarding the need for additional funding for planning, security and ground-access improvements at general aviation airport facilities.

ACR 127 (Oropeza) – Recognizes September 11th of every year as a Day of Remembrance and Service in honor and memory of those who lost their lives to the terrorist attacks. **Resolution Chapter 33/Statutes of 2002.**

Hate Crimes

The Assembly Select Committee on Hate Crimes conducted extensive hearings in late 2001. The committee chair, Assemblywoman Judy Chu, authored the following bills to solve problems that the hearings revealed.

AB 1942 (Chu) – Creates a Youth Anti-Bias pilot program in one county for one year beginning on June 30, 2003, if the annual budget provides funds. Requires county law enforcement, middle schools, probation officers, correctional officers, teachers, youth service providers, social workers, parents and community members, and nonprofit community organizations to collaborate to develop and implement a comprehensive anti-bias program with diversion and education components for minors in custody or on probation. Provides that the goal of the program is to reduce hate crimes by teaching anger management, tolerance, and the appreciation of cultural diversity.

AB 2145 (Chu) – Expands the misdemeanor crime of placing unauthorized material into a newspaper by including other types of publications, including magazines and rental guides. The bill is intended to stop persons from inserting hate materials into free publications.

AB 2150 (Chu) – Adds the previous conviction of a felony hate crime to the list of circumstances that would make the commission of a subsequent hate crime a felony.

AB 2653 (Chu) – Assists expert prosecutions of hate crimes by providing that, if a prosecutor is unable to go to trial because he or she has been assigned to another proceeding in another courtroom, the court shall find good cause to grant a one-time continuance in the hate crime prosecution.

Other Measures

SB 574 (Polanco) – Enacts the Juvenile Facility Capital Expenditure and Bond Act of 2002 to finance construction of county juvenile facilities and county temporary shelter facilities. Requires voter approval.

SB 682 (Perata) and AB 496 (Koretz) – Removes legal protections that prevent victims of gun violence from suing the makers of the guns for the injuries they cause.

SB 1242 (Brulte) – Authorizes law enforcement to use “reasonable force” to collect DNA evidence specimens from prison inmates who refuse to cooperate in the collection of the samples.

SB 1335 (Dunn) – Increases the information that a parent can rightfully request regarding the criminal past of employees of day care centers. Most ex-offenders are prohibited from working at day care centers but some, whose crimes were minor, are exempted.

SB 1362 (Karnette) – Removes a restriction on family overnight visits whether or not an inmate has qualified for parole. Applies to female prison inmates and their minor sons and daughters. Presently only inmates who have parole dates are allowed such visits.

SB 1452 (Escutia) – Increases protections against reprisals for whistleblowers reporting violations of state or federal rules and, in the case of corporations, violations of fiduciary responsibilities, and sets up a whistleblower hotline to the attorney general’s office.

SB 1496 (Polanco) – Upgrades, with highly structured programs, the community correctional reentry centers for prison inmates as they adjust to life on the outside. Allows more inmates to participate by extending time left to serve as a qualifier and allows inmates convicted of violent felonies to participate.

SB 1497 (Polanco) – Requires that a three-judge panel be created with powers to grant parole to inmates who have been in prison longer than the suggested time frame of their indeterminate sentences.

SB 1544 (Karnette) – To save the state money, allows repatriation of foreign prison inmates, with certain conditions, even if by returning home an alien inmate will spend less time incarcerated than if he or she remained in a California prison.

SB 1670 (Scott) – To get unreliable firearm safety locks off the market, sets a uniform standard imposed by the attorney general on all gun safety locks.

SB 1793 (Burton) – Eliminates the Youthful Offender Parole Board and consolidates its duties in local probation departments and the juvenile courts. Among such duties is setting parole dates for juveniles incarcerated by the California Youth Authority.

SB 1779 (Burton) – Removes the deadline, now reached at age 26, at which victims of child molestation can sue the molester's employers, such as a church with which a molester priest is affiliated.

SB 1887 (McPherson) – By removing time limitations in which to bring a lawsuit, allows victims of crimes to sue for the proceeds when the perpetrator, perhaps years later, profits from the crime – for example, from movie or book income.

SB 2002 (Vasconcellos) – Requires incoming state prison inmates to be evaluated for educational and vocational potential, along with their emotional level of development, and to be assigned programs accordingly to further the inmate's progress toward rehabilitation.

AB 1453 (Koretz) – Raises the legal minimum age for allowing purchase of tobacco products from 18 to 21.

AB 1877 (Maldonado) – Authorizes the over-subscribed Grizzly Youth Academy, a program for at-risk youth, to use the facilities of the under-subscribed Turning Point Academy, the state's boot camp for juvenile offenders. Both are located at Camp San Luis Obispo in SLO County.

AB 2238 (Dickerson) – Makes it a misdemeanor to publish or post on the Internet, with intent to do bodily harm, the home address or telephone number of elected officials, peace officers or court officers. Makes it felony if bodily harm occurs.

Revenue and Taxes

Please also see "Tobacco Products," page 118.

Governor Gray Davis in May signed **SB 657 (Scott)** and **AB 1122 (Corbett)**, **Chapters 34 and 35/Statutes of 2002**, to permit Californians to increase yearly contributions to their Individual Retirement Accounts (IRAs) and "401(k)," "403 (b)" and "457" investment savings plans in conformity with federal changes made by Congress and President Bush in the Economic Growth and Tax Relief Reconciliation Act of 2001.

Specifically, the bills:

- Increase the limit on annual tax-deferred contributions to an Education IRA for future college expenses from \$500 to \$2,000.
- Raise the ceiling on annual tax-deferred contributions to IRAs or Roth IRAs from the longstanding limit of \$2,000 to \$3,000 through the tax year 2004, to \$4,000 for 2005-07, and to \$5,000 for 2008. After that, future increases will be indexed in increments of \$500. All the limits will be higher for those who are 50 and older – \$500 more through 2005 and \$1,000 more beginning in 2006.
- Increase the limit on annual tax-deferred contributions to 401(k) and 403(b) retirement plans from the current limit of \$10,500 to \$11,000 in the tax year 2002. In 2003 and thereafter the limits will be increased in \$1,000 annual increments until they reach \$15,000 in 2006. After that, they will be indexed in \$500 increments.
- Increase the previous limit of \$8,500 for tax-deferred annual contributions to 457 plans to \$11,000 in 2002; \$12,000 in 2003, \$13,000 in 2004, \$14,000 in 2005 and \$15,000 in 2006, then indexed thereafter.
- Permit individuals to contribute the full amounts to a 401(k) and 457 plan simultaneously.

Also, **AB 131 (Corbett)**, **Chapter 30/Statutes of 2002**, extends to public employees the ability to roll over their 457 deferred compensation plans into IRAs and allows them to purchase service credits with their 457 or 403(b) accounts.

Personal Income Taxes

SB 415 (Dunn) – Requires the Franchise Tax Board (FTB), from 2002 to October 31, 2006, to provide individuals free electronic forms and Internet-based applications to file any state income-tax return electronically. Requires the FTB to use the level of security for Internet-based banking transactions, and to acknowledge receipt of electronically filed income tax returns within 48 hours.

SB 831 (Poochigian) – Declares the Legislature’s intent that the FTB be directed to issue, as an option, a Form 540 2EZ or a Form Senior EZ for taxpayers whose incomes are less than \$50,000 for individuals and \$100,000 for married couples. Form 540 2EZ is a newly designed two-page tax return restricted to those taxpayers who use the standard deduction, who have no more than three personal exemption credits, and whose only tax payments are in the form of wage withholding. The Form 540 2EZ taxpayers must use a special tax table, and built into it is the standard deduction and up to three personal exemption credits. Approximately 3 million taxpayers are eligible to use this form.

SB 846 (Ackerman) – Allows an income-tax credit equal to the value of services rendered without charge during the taxable year by an attorney, physician and surgeon, dentist or optometrist licensed in California on behalf of any nonprofit charitable organization in California that provides services to the poor.

SB 1439 (Oller) – Requires the FTB to develop an amnesty program for delinquent personal and corporation income taxes for the first six months of the 2003 tax year.

SB 1445 (Alpert) – Increases the settlement amount that the FTB’s executive officer and chief counsel are authorized to approve from \$5,000 or less to \$7,500 or less. Indexes future amounts to inflation and expands the scope of settlement agreements.

SB 1602 (Oller) – Modifies rules relating to the theft-loss tax deduction to give a taxpayer the option to deduct the loss in the year when the theft took place.

SB 1724 (Speier) – Conforms California tax law with federal law regarding the child and dependent care tax credit. Allows a refundable credit to qualifying taxpayers based on a percentage of the taxpayer’s federal credit.

SB 1805 (Scott) – Conforms state law with federal law relative to employer-provided adoption assistance. Current state law conforms with a 1996 federal law that allows employees to exclude up to \$5,000 per year in employer-provided adoption assistance for qualified adoption expenses paid or reimbursed by an employer under an adoption assistance program (up to \$6,000 for a special-needs child) for amounts paid or expenses incurred before January 1, 2002. The bill conforms to the increased maximum exclusion in federal law up to \$10,000 for qualified expenses.

AB 2414 (B. Campbell) – Limits to 10 years the period during within which the FTB may collect unpaid taxes from individuals.

AB 2963 Aroner – Provides that the custodial parent in a couple who never married and no longer live together qualifies for the child and dependent care credit.

AB 2978 (Revenue and Taxation Committee) – Adopts provisions of federal law relating to victims and their families in the September 11, 2001, terrorist attacks. Excludes from the taxable income of these individuals any amounts received as disaster relief payments, disability income and death benefits.

Income-Tax Check-Offs

SB 1082 (Vasconcellos) – Replaces a requirement that the money collected from an income-tax check-off for the California Fund for Senior Citizens must meet a \$250,000 minimum contribution test beginning in 2001 with the requirement that it must meet the test beginning in 2003. Contains intent language that the Legislature provide support to the California Senior Legislature through an appropriation and that this check-off will be removed from the tax form when that occurs.

SB 1365 (Speier) – Extends the expiration date of the California Breast Cancer Research Fund from January 1, 2003, to January 1, 2008; therefore, this fund will last appear on the 2007 tax return (filed in 2008) rather than the 2002 tax return. Also specifies that the University of California may use up to 5 percent of the money allocated from this fund to administer and market the Breast Cancer Research Program.

Corporate Income Taxes

AB 902 (Alquist) – Authorizes a nonrefundable tax credit to employers who loan qualified employees to public middle or high schools or community colleges to teach math or science.

Property Tax Relief

SB 218 (Dunn) – Continues increased property tax relief for low-income senior citizens and disabled residents and provides inflation protection of the benefit in future years. Without this legislation, a one-time increase in property tax relief for low-income seniors and disabled effective in 2000 will drop back to prior levels, resulting in a loss of 60 percent in benefits. These benefits are available to eligible seniors and disabled through the FTB and applicants receive a partial offset of their property tax bill based on income up to \$34,000.

SB 1875 (Karnette) – Simplifies the application process for the property tax relief program addressed by SB 218 above.

Other Property Tax Measures

SB 1509 (Dunn) – Reallocates property tax reviews to address the critical shortage of affordable housing in California – estimated at 600,000 units. Rewards those local jurisdictions that have a housing element that is in substantial compliance with state housing laws. Specifically, the property taxes lost to the jurisdiction when it approves construction of tax-exempt low-income housing would be offset by a reduced contribution to the Educational Revenue Augmentation Fund (ERAF) with the state picking up the loss of revenue to the schools, estimated at \$158 million in the budget year.

SB 1662 (Peace) – Expresses legislative intent to revise state tax laws to provide a more stable revenue structure by requiring that nonresidential property must be reassessed whenever 50 percent or more of its ownership changes hands. Also, expresses intent for changes in taxation of capital gains, broadening sales tax base and reducing rates. The goal of the legislation is to reduce revenue volatility.

SB 1714 (Poochigian) – Requires the state controller to report annually on the value of property tax losses as a result of state land acquisition and to offer an overview of revenues lost during the period 1992-93 to 2001-02. When private property is purchased by the state or tax-exempt non-profits such as land conservancies, property taxes are no longer collected on the property, resulting in a loss of revenue to the local jurisdiction and to the state. This bill will provide periodic information on the fiscal effect of these real estate transactions.

SCA 9 (Speier) – Protects residences transferred to a co-owner after January 1, 2005, from “change of ownership” reassessments if the home was co-owned for at least five years before transfer and the transfer is made due to death or terminal disease of one of the owners. Similar to the exemption from reassessment provided on transfers of ownership between spouses or from parents to children. As a state constitutional amendment, it must be adopted by California voters if approved by the Legislature.

AB 81 (Migden) – Shifts responsibility for assessing property taxes on large electric generation facilities (over 50 megawatts) from local assessors to the state Board of Equalization, which codifies a board regulation. Property tax revenues from these plants will continue to be allocated to the communities in which they are located as of January 1, 2003, and values will reflect full cash value of the facility.

AB 2036 (Liu) – Establishes a uniform procedure for counties to use when calculating the amount of interest owed on property tax refunds after January 1, 2003. Each property tax installment would be treated as a separate transaction on which interest could be due.

Sales Taxes

AB 680 (Steinberg) – Reallocates growth in sales-tax revenue in the greater Sacramento region under a pilot project that takes into account the population of the region as well as the locale where the revenue was generated.

AB 2701 (Maddox) – Excludes tribal taxes imposed by Indian tribes on retail sales from the definition of “sales price” for the purpose of calculating California sales and use taxes. Also excludes these tribal taxes from the definition of “gross receipts” in calculating California sales taxes due.

Other Measures

AB 1752 (Midgen) – Requires that prior to the Board of Equalization taking final action on any item not involving a named taxpayer, documents provided to board members pertaining to that item must be made available for public inspection at the meeting, distributed to all who have requested copies of the documents, and made available on the Internet.

Tobacco Products

Both the Senate and Assembly versions of the state budget accepted Governor Davis's budget-balancing proposals to permanently raise by 50 cents the state's 87-cent-per-pack tax on cigarettes and to securitize – or borrow from the future – \$4.5 billion from California's share of a national settlement with tobacco companies. The state's share of the settlement amounts to about \$500 million per year over 25 years, or roughly \$12.5 billion in total payments. The plan enables the state to sell \$4.5 billion in bonds, backed by future revenues.

SB 1700 (Peace) – Requires sellers of cigarettes to be licensed, imposes a fee on cigarette manufacturers of up to 2 cents per pack, reimburses cigarette distributors for the cost of applying cigarette-tax stamps, imposes additional penalties for illegal sales and requires the Department of Health Services (DHS) to conduct annual training for retailers

SB 1766 (Ortiz) – Requires that sales of tobacco products be vendor-assisted, face-to-face sales unless the seller receives valid identification that the purchaser is over 18, the product is shipped to the address provided on the identification, the sale is for at least two cartons, and the seller either provides the state Board of Equalization with all taxes due on the sale or includes with the shipment a notice that the purchaser is responsible for state taxes.

SB 2082 (Bowen) – Requires a person who advertises on the Internet to sell cigarettes in California to disclose that a purchaser in California is responsible for California taxes.

AB 412 (Wesson) – Imposes a civil penalty for the sale of cigarettes in self-service displays. Authorizes the attorney general, a city attorney, a county counsel or a district attorney to bring a civil action to enforce this restriction.

AB 1453 (Koretz) – Raises the age at which tobacco products can be legally purchased in California from 18 to 21 years for persons born after January 1, 1985. Prohibits making ashtrays available for use on premises where smoking is prohibited. Also prohibits the distribution of free samples of tobacco products by mail to any adult who has not been previously identified as a consumer of tobacco products.

AB 1830 (Frommer and Thomson) – Prohibits the sale of tobacco products to minors through the U.S. Postal Service or any other package-delivery service, and imposes age-verification requirements on tobacco sellers and distributors.

AB 1867 (Vargas) – Prohibits smoking or disposal of tobacco-related waste within 25 feet of a playground or a tot lot sandbox.

AB 2205 (Koretz) – Increases the penalty for the distribution of black market, untaxed cigarettes from \$100 to \$200 per carton. The proceeds would be used to fund a competitive grant program to reduce the availability of tobacco products on the black market.

AB 2906 (Horton) – Prohibits anyone from affixing tax stamps to cigarettes or paying the tax on roll-your-own tobacco made or sold by manufacturers that have not either joined a master settlement agreement or made all escrow payments required by state law pursuant to the agreement.

Transportation

Please also see “DMV and Driver’s Licenses” in the “Identity Theft and Privacy” section, page 83.

SB 1257 (Murray) – Strengthens requirements pertaining to the transportation of hazardous materials.

SB 1458 (Romero) – Increases the amount of a required surety bond for motor-vehicle dealers from \$10,000 to \$50,000.

SB 1480 (Speier) – Revises the Outdoor Advertising Act, including penalties for failure to remove certain non-conforming advertising displays.

SB 1590 (Karnette) – Increases from \$500 to \$1,500 the minimum property damage required to be reported in a motor-vehicle accident.

SB 1743 (Speier) – Improves consumer protections pertaining to the sale and resale of salvage vehicles.

SB 1768 (Murray) – Authorizes the Department of Transportation (Caltrans) to nominate transportation projects for inclusion in regional transportation improvement programs to improve state highways with regional transportation funds.

SB 1856 (Costa) – Proposes a \$9 billion bond act for planning and constructing a high-speed (“bullet”) passenger train system.

SB 1996 (Karnette) – Removes the California Highway Patrol (CHP) from the Business, Transportation and Housing Agency and places it within the Office of the Governor.

SB 2072 (Karnette) – Removes the sunset of January 1, 2003, on allowing Caltrans to issue special permits for vehicles exceeding the gross weight limit and loads permissible on defined sections of state highways in the cities of Long Beach and Los Angeles.

SCA 11 (Murray) – Requires that any amounts loaned from vehicle fuel taxes, use fees or the Public Transportation Account be repaid with interest calculated at the Pooled Money Investment Account rate.

AB 60 (Cedillo) – Allows persons who have submitted applications for lawful immigration status to apply for driver’s licenses from the Department of Motor Vehicles (DMV).

AB 666 (Dutra) – Reinstates a Caltrans state highway construction program ended in 1997 that allowed eligible projects to be accelerated through an expedited permit process.

AB 1708 (Transportation Committee) – Authorizes a tow-truck driver who is engaged to remove a disabled vehicle and clean up vehicular waste from a roadway to transport that waste from the scene without completing a hazardous waste manifest and without being a registered hazardous waste transporter, if specified conditions are satisfied.

AB 1742 (Maldonado) – Exempts a truck-and-two-trailers combination used for transporting agricultural products from vehicle length restrictions.

AB 1765 (Bogh) – Exempts school buses fitted with crossing control arms from the 40-foot limit placed on operating vehicles on California highways.

AB 1912 (Kehoe) – Repeals a prohibition on allocating state transit assistance funds to public transit operators whose labor agreement contracts prohibit the use of part-time drivers.

AB 1923 (Dickerson) – Changes the population limitation of rural areas eligible for service information signs near highway exits from 5,000 to 10,000 people. Specifically, this bill would allow areas with a population less than 10,000 to qualify for having Caltrans place business-service information near the highway exits of that area.

AB 2051 (Dickerson) – Allows specified vehicle combinations that transport agricultural biomass to have a total combined length of 75 feet and a front trailer that extends up to 32 feet.

AB 2273 (Dutra) – Requires the DMV to issue restricted driver's licenses to qualified enlistees, 16 to 18 years of age, of the California National Guard for operating military vehicles.

AB 2349 (Firebaugh) – Extends, to January 1, 2006, the sunset on Caltrans' authority to conduct a demonstration program by which the logos of organizations and corporations, created from plant life, can be displayed on state highway landscapes in the counties of Los Angeles and Orange in return for those entities' participation in the state's Adopt-A-Highway program.

AB 2440 (Keeley) – Requires a state highway that has been designated by the federal government as an "All-American Road" to be maintained and operated in a manner that is consistent with specified "context-sensitive" standards relative to aesthetics, safety and community-based appeal.

AB 2522 (Dutra) – Requires the CHP, in cooperation with the Office of Emergency Services and the California National Guard, and in consultation with the Coast Guard and other relevant public agencies, to perform a risk assessment of California's transportation system. Requires that there be mitigation measures recommended for each potential threat or security deficiency identified. Requires a confidential report of CHP's findings and recommendations to be submitted to the governor and legislative leaders by January 1, 2003.

AB 2650 (Lowenthal) – Establishes fines for marine terminals that cause diesel trucks to idle for more than 15 minutes. Requires each marine terminal in the state to operate in a manner that does not cause diesel trucks to idle for more than 30 minutes while waiting to enter the gate at the terminal.

AB 2647 (Liu) – Eliminates statutory requirements that Caltrans must periodically report on various subjects and programs to the Legislature.

AB 2687 (Maldonado) – Changes some of the requirements related to closing a highway to vehicles transporting hazardous materials.

AB 2719 (Maldonado) – Declares the intent of the Legislature to implement, upon the appropriation of funds in the annual Budget Act, recommendations made by the California Transportation Commission regarding the need for additional funding for planning, security and ground-access improvements at general aviation airport facilities.

AB 2751 (Pavley) – Requires Caltrans, upon receiving funds in the Budget Act, to partner with the Air Resources Board, the Integrated Waste Management Board, and the Department of Food and Agriculture to conduct a demonstration project to evaluate the feasibility of using rice straw for soundwall construction for highway applications.

AB 2876 (Firebaugh) – Requires the DMV to deny initial or renewal registration of commercial truckers unless specific documentation is provided. Requires that truckers provide proof of payment of specified fees.

Veterans

Active-Duty Veterans

AB 2428 (Correa) – Makes active-duty military reservists and National Guard members eligible for veterans' benefits.

Cal-Vet

SB 1893 (Johannessen) – Allows an increase in the California Veterans Farm and Home Purchase Act loan limit for a single-family home and a reduction in mortgage rates for qualifying veterans. Allows the maximum loan limit for a Cal-Vet single-family home to be set at the maximum limit established by the federal Fannie Mae home loan program at that time. Authorizes the Department of Veterans Affairs to establish separate interest rates on remaining balances of Cal-Vet mortgage contracts with veterans who are called to active duty and who qualify under the Soldiers and Sailors Civil Relief Act of 1940.

Disabled Veterans

SB 1033 (Knight) – Creates an additional 3 percent bid preference for state purchases and contracts for certified small businesses that are also disabled veteran business enterprises. Increases, from \$50,000 to \$80,000, the maximum amount of combined preference credits for any specific bid for certified small businesses and disabled veteran business enterprises.

AB 2323 (Wyman) – Creates a 5 percent bid preference for preference credits for any specific bid for certified small businesses and disabled veteran business enterprises, not to exceed \$50,000 per bid or \$100,000 per bid in combination with any other bid preferences.

Veterans Cemeteries

SB 1455 (Johannessen) – Increases maximum on federal grant money from \$6 million to \$7 million for the new state veterans cemetery in Shasta County.

SB 1457 (McPherson) – Requires the Department of Veterans Affairs to establish a cemetery at the former Fort Ord in Monterey County.

Veterans Homes

SB 1234 (Johannessen) – Authorizes the state Department of Veterans Affairs to build new state veterans homes in Fresno County and Redding. Authorizes revenue bonds up to a total of \$50 million for the construction, renovation, or expansion of Yountville, Barstow, Chula Vista, Lancaster, Saticoy, and Shasta County veterans homes.

SB 1281 (Haynes) – Requires veterans home administrators to provide complete accounting information on the cost of care rendered to residents of the homes.

SB 1773 (Chesbro) and **AB 2953 (Wiggins)** – Continuously appropriate up to \$15 million from the Veterans Home Fund to the Department of Veterans Affairs for the renovation of the Yountville Veterans Home.

AB 2559 (Wesson) – Continuously appropriates the Veterans' Home Fund, in an amount not to exceed \$31 million, to meet state funding requirements for the construction of veterans' homes in Lancaster, Saticoy, and West Los Angeles.

Homeless Veterans

AB 748 (Chavez) – Appropriates \$75,000 from the state General Fund to the Department of Veterans Affairs to study the housing and support needs of homeless veterans in California.

Public Records

AB 1798 (Chavez) – Orders county recorders to require veterans who present military discharge documents for recording to sign an acknowledgement that the documents become public records, open for inspection by any person.

Water

CalFed

SB 1653 (Costa) – Enacts the California Bay-Delta Act, establishing the California Bay-Delta Commission and providing a general description of the CalFed bay-delta program, in which state and federal agencies are cooperating to improve water and ecosystem quality, water supply reliability, and the integrity of the levees and channels in the San Francisco Bay and Sacramento-San Joaquin River Delta estuary.

Discharges

SB 1599 (Poochigian) – Enacts a general requirement that the State Water Resources Control Board, when it receives a petition for review of waste-discharge requirements that requests a stay of one or more of its requirements, make a decision to grant or deny the stay within 45 days.

SB 2050 (Sher) – Allows waivers for waste dischargers if the regional water board determines they are consistent with the regional water quality control plan and will not cause a violation of applicable water quality objectives. Allows the regional board to require up to 50 percent of fines from serious violations of discharge permits be used for supplemental environmental projects. The remaining 50 percent will be deposited in the state Water Pollution Cleanup and Abatement Account.

AB 1969 (Maddox) – Requires all wastewater discharged by the Orange County Sanitation District into the Pacific Ocean to be subject to at least secondary treatment requirements of federal law, and any more stringent requirements determined to be appropriate by the state board and the regional board for the Santa Ana region.

AB 2938 (Simitian) – Increases the maximum annual fee for wastewater discharge from \$10,000 to \$25,000 and authorizes the state board to adjust fees, not more than annually, to reflect cost-of-living increases or decreases.

Drinking Water

SB 460 (Scott) – Requires the Department of Health Services, in conjunction with State Water Resources Control Board, to investigate various technologies that remove chromium VI from drinking water and to conduct various testing models that appear to be promising technologies to remove chromium VI.

Proposition 40

AB 1953 (Leslie) – States legislative intent that capital projects related to the restoration of the North Fork of the American River to its original channel are eligible for funding from bond funds authorized by Proposition 40, the voter-approved California Clean Water, Clean Air, Safe Neighborhood Parks, and

Coastal Protection Act of 2002. This would enable a year-round permanent pumping facility for the Placer County Water Agency after the closing of the Auburn Dam diversion tunnel.

AB 2534 (Pavley) – Allows Proposition 40 funds to be made available for urban storm water, small community wastewater, non-point source pollution control, agricultural water quality, clean beaches, coastal resource enhancement, and integrated watershed management and protection projects within the Resources Agency.

Regional Planning

SB 1672 (Costa) – Authorizes regional water management groups to adopt regional management plans. These may include groundwater-management plans, urban-water management plans, agriculture-water management plans, flood-control projects, water-recycling projects, water-treatment facilities, water-conservation projects, desalination projects, or watershed-management projects that reduce the impact of non-native species.

Usage

AB 2587 (Matthews) – Requires the state Department of Food and Agriculture to estimate water usage for food production, and provide that information to the state Department of Water Resources.